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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1995

SAINT VINCENT AND THE GRENADINES

[5 December 2000]

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ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
BCG	Bacilli Calmette Guerin (Tuberculosis) Vaccine
CAREC	Caribbean Regional Epidemiology Centre
CFNI	Caribbean Food and Nutrition Institute
CRC	Convention on the Rights of the Child
CXC	Caribbean Examinations Council
DPT	Diptheria Pertussis Tetanus Vaccine
MMR	Measles, Mumps and Rubella Vaccine
MoH	The Ministry of Housing, Local Government, Youth, Sports and Community Development
NGO	Non-governmental organization
NYC	The National Youth Council
OECS	Organization of Eastern Caribbean States
PAHO	Pan American Health Organization
PTA	Parent Teachers Association
STABEX	Stabilisation of Export Earnings
SVG	Saint Vincent and the Grenadines
SVGPPA	St. Vincent and the Grenadines Planned Parenthood Association
UNICEF	United Nations Children's Fund
UWI	University of the West Indies
VINSAVE	St. Vincent and the Grenadines Save the Children Fund
WFP	World Food Programme
WHO	World Health Organization

I. INTRODUCTION

1. Saint Vincent and the Grenadines became a signatory to the Convention on the Rights of the Child (CRC) on 20 January 1993 and ratified the Convention in that same year. In fulfilment of its obligations under the Convention, the country, as a State party, is hereby submitting its initial report to the Committee on the Rights of the Child, the treaty body responsible for monitoring the implementation of the CRC.

2. The development of this report has contributed to the process of sensitizing persons in the country on the issues related to the CRC and it is expected that the completed report will add to the existing stock of resource material for persons and organizations both locally and abroad who wish to embark on activities geared towards promoting the interests of children in Saint Vincent and the Grenadines. It is hoped that the production of this report will also encourage the continued development of policies and programmes relevant to children and will strengthen the role of agencies and organizations involved in the delivery of services to improve the welfare of children.

3. This report outlines the actions undertaken by the Government of Saint Vincent and the Grenadines to promote the interests of children in the State and also includes those programmes and activities being implemented by non-governmental organizations and other agencies. The format of the report follows that established by the Committee on the Rights of the Child laid down in its general guidelines for initial reports.

4. The report indicates that there are a number of programmes in place for promoting the rights of the child as outlined in the CRC. Indeed, many of these programmes have had considerable success with the limited resources available. However, there is also the need to address urgent areas which require reform and these areas have also been included in this report in order to give some direction on the way forward.

5. It is expected that compliance with the CRC will be improved with the production of this report. The Government of St. Vincent and the Grenadines is committed to the overall principles outlined in the CRC and it is hoped that this commitment will be strengthened as the reforms suggested are explored.

The social and economic context of Saint Vincent and the Grenadines

6. The State of Saint Vincent and the Grenadines comprises Saint Vincent, the main island on which the capital city, Kingstown, is located, seven smaller islands and other islets amounting to a total of 150 square miles. The country attained its independence from Britain in 1979 and since then has developed a closer relationship with the other Windward Islands and some of the islands of the Lesser Antilles which comprise the Organization of Eastern Caribbean States (OECS). Through the OECS, Saint Vincent and the Grenadines has developed a common currency and a shared system for the administration of justice. It is in the process of developing a common approach in other areas, such as education, telecommunications, health and environmental management. The country has a multi-party system in place and elections are constitutionally due every five years. The political party in power is the New Democratic Party and the last general election was held on 15 June 1998.

7. The socio-economic base of the country has been and will continue to be negatively affected by the loss of preferential marketing arrangements for bananas, the major export crop. The Government is promoting diversification within agriculture, the principal economic sector, and at the level of the macro economy. Diversification is the fundamental principle on which its development programme will be hinged.

8. The impact of these developments on public sector spending will, in concrete terms, determine the measure to which the Government will be able to meet its obligations under the Convention. In 1997 the approximate percentage of recurrent government expenditure on education was 20 per cent, health 15 per cent and social welfare 4 per cent respectively of the total government recurrent expenditure. Given the Government's projected emphasis on poverty alleviation programmes for the coming year, there may not be a serious deterioration in the conditions of children in the State. The financing of programmes geared towards poverty alleviation and long-term sustainability of the country is drawn from aid funding such as that available through STABEX transfers from the European Union. This has resulted in substantial support being provided to key programmes, which should impact positively on the welfare of families and children.

9. The challenge for Saint Vincent and the Grenadines with regard to its obligations under the Convention is to ensure that advances are made in the critical areas which need addressing whilst at the same time maintaining the present level of services.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to implement the Convention's provisions (art. 4)

1. Measures taken to harmonize national law and policy with the provisions of the Convention

10. In 1993 the Government assigned to the Ministry of Housing, Local Government, Youth, Sports and Community Development (hereinafter referred to as the Ministry of Housing (MoH)) the responsibility of implementing the Convention.

11. In Saint Vincent and the Grenadines national policies are determined by the Cabinet and implemented by individual ministries through the process of developing sectoral plans. These plans are then combined into a national plan. The actions which are required in order to implement the provisions of the Convention relating to the economic, social and cultural rights of the child would therefore have to be included in the sectoral plans of the various government ministries which would be affected by such provisions. The manner in which the terms of the Convention are addressed by the various sectors will be examined when the individual articles are considered in the remaining sections of this report.

12. A major revision of the laws of Saint Vincent and the Grenadines was completed in 1990 and, within the context of those laws, many of the articles of the Convention can be said to have been fulfilled although some work still remains to be done. There is still the need for specific legislation to be passed which comprehensively addresses the provisions of the Convention. Prior to that, it is recommended that a national policy on children should be developed.

2. National or local mechanisms for coordinating policies and for monitoring the Convention

13. Before the Convention was ratified, considerable effort had been undertaken by individuals and non-governmental organizations with an interest in promoting the rights of children, including VINSAVE and the Saint Vincent and the Grenadines Human Rights Association, to educate the public on the provisions of the CRC and to carry out activities related to the improvement of the conditions of children. They also spearheaded the drive to have the Government ratify the Convention. In 1993 these non-governmental organizations and individuals from various government ministries formed themselves into the National Committee on the Rights of the Child. The objectives of that Committee were to promote activities and programmes to sensitize all concerned on the significance of the Convention and to encourage the Government to ratify the Convention. Workshops were held throughout the country to sensitize people on the CRC. The Committee's programme has also included essay competitions and art competitions among primary and secondary school children. A Christmas card was produced by the Children's Welfare Fund using the winning entry of the art competition. Ribbons with slogans such as "Please, listen to me" and "Don't abuse me" were produced and sold to schools for Child Month.

14. Another Committee was established by the Cabinet, under the auspices of the Ministry of Housing, called the National Advisory Committee for Children. The objectives of that committee were to examine the existing situation regarding the rights and welfare of children in Saint Vincent and the Grenadines, to develop a national policy on children through a participatory approach and to prepare the initial report on the Convention. The two committees were merged in 1998 and became the Convention on the Rights of the Child Committee.

15. The membership of the Committee at present includes the Permanent Secretary in the Ministry of Housing, the Director of Community Services, the Coordinator of Women's Affairs, the Youth Officer, the Chief Education Officer, representatives of the Social Planning Division in the Ministry of Finance and Planning, the Police Department, the Community Development Division, the Youth Department, the Ministry of Justice, the Social Welfare Department, the school for children with special needs, the psychiatric hospital, the Liberty Lodge Boys Training Centre, the Education Officer I with responsibility for early childhood education, the Nutrition Unit in the Ministry of Health and the Health Education Unit in the Ministry of Health.

16. Also included are representatives of non-governmental organizations, including Marion House, VINSAVE, the Young Women's Christian Association, the National Council of Women, the National Youth Council and the Saint Vincent and the Grenadines Human Rights Association.

17. The Committee meets on a regular basis in order to carry out programmes related to improving the situation of children and continues some of the projects initiated by the original Committee. A video entitled "We need love" has been produced with the support of UNICEF. Exercise books depicting six of the winning entries of an art competition among primary and secondary school children were produced and are now sold at a few bookstores in the State. Since the Committee comprises representatives of various governmental departments as well as the non-governmental sector, it is well placed to provide the necessary advice and technical

assistance to guide the Ministry of Housing on the implementation of the Convention. It is expected that the composition of the Committee will also improve interministerial coordination on issues affecting the Convention. To date it is not yet fully developed to carry out this role.

18. Apart from the work to be carried out by the Convention on the Rights of the Child Committee, the Ministry of Housing within its various departments is responsible for the implementation of decisions related to the care, protection and development of children in Saint Vincent and the Grenadines. The ministry carries out, inter alia, projects and programmes related to housing, local government, youth, sports, community development, social welfare, skills and training and craft development. The policies within these departments which impact on children are coordinated on an ongoing basis. A key department within the Ministry is the Social Welfare Department, the work of which includes overseeing childcare services, public assistance, juvenile services and working with the courts on social service matters.

19. Whilst it is the Ministry of Housing which is responsible for generating information which forms the conceptual framework for social policies relating to children in the State, it does not yet coordinate all the policies relating to children, since other ministries define and implement policies that impact on the implementation of the Convention. The Ministry of Health and the Ministry of Education are two ministries which design policies and implement programmes which have considerable impact on children. There needs to be more work done to improve interministerial coordination between them and with other ministries to ensure that the Convention is fully implemented. As an alternative to developing a national policy on children, what is recommended is the expansion of the existing National Youth Policy to include all elements relating to the needs of children and youth up until the age of 18 years and to have this policy adopted and integrated into the sectoral plans of all the relevant ministries.

B. Measures to promote public awareness of the Convention

1. Measures to promote the principles and provisions of the Convention (art. 42)

20. The task of publicizing the principles and provisions of the Convention has fallen mainly to non-governmental organizations interested in promoting the rights of the child. To this end, these non-governmental organizations, particularly VINSAVE and the Saint Vincent and the Grenadines Human Rights Association, have contributed by the production of radio programmes, television programmes, newspaper articles and brochures intended to inform the general public of the Convention and its contents.

21. In addition to the above, the Ministry of Housing has since 1997 actively supported the celebration of the month of April every year as Child Abuse Prevention Month, a month of activities dedicated to publicizing the need for the prevention of child abuse. This programme is spearheaded by the Social Welfare Department and includes a variety of activities such as church services, art competitions, educational trips, production of banners, radio and television broadcasts, cultural events and others. In 1998 it included the publication of a full-page centre spread on child abuse prevention issues and a special section on the provisions of the Convention. During this month privately owned pre-schools, and primary schools, as well as government supported educational institutions, participate in activities related to the prevention

of child abuse. Parent teacher associations linked to these institutions also become involved, thus ensuring that some sections of the wider Vincentian public are made aware of the Convention and its provisions.

22. Another month, Child Month, is celebrated in May every year to highlight activities relating to children. These activities are organized by the Pre-School Services Committee, an autonomous non-governmental umbrella organization made up of pre-school representatives nationally. During this month activities are also carried out which highlight the Convention. More on these activities is detailed in chapter VIII.

23. The Youth Affairs Department in the Ministry of Housing assists in promoting the rights of the child through its programming activities. Through its leadership training, youth exchanges, drug education and youth enterprise development programmes, along with the "Youth Week" activities held in late September and October, children's right to freedom of expression, assembly and association, movement, freedom from discrimination, inhumane treatment and deprivation of poverty are focused on.

24. The Department of Women's Affairs, a department under the Ministry of Education, Culture and Women's Affairs, has produced a series of pamphlets for public dissemination outlining the provisions of the Convention on the Rights of the Child. These pamphlets were distributed to schools and communities in 1998. The Department also conducted public discussions in communities across the country to address the issue of the laws affecting children in relation to the Convention and promoted discussion on steps that could be taken at the level of the school, the home and the community to reduce the incidence of child abuse.

25. Clearly, more needs to be done to ensure that the private sector and more members of the public become fully aware of the provisions of the Convention. This will require that resources be channelled to this objective since the cost of publications and radio and television time is at present a serious constraint.

2. Measures to publicly circulate the report (art. 44, para. 6)

26. On completion of the present report, it is expected its contents will be discussed by the Convention on the Rights of the Child Committee. In the first instance, the members of the Committee will have an opportunity to examine the report and share its contents with their organizations.

27. Once the report is endorsed and adopted by the Cabinet it will provide a basis for the Committee to publicly promote its contents and thereby ensure that it secures the cooperation of all stakeholders in the development of strategies to address the issues raised by the report. In this way, the general public will become more aware of the contents of the Convention. After this phase, the report will be widely circulated in ways which the general public will understand. It is expected that the various government departments which will be affected by the recommendations of the report will publicize it within those departments and promote public awareness of its contents.

3. Concluding comments

28. The principles and provisions of the Convention are generally in harmony with the legislation of Saint Vincent and the Grenadines, although there may be a need for a single comprehensive law which addresses the issues in the manner required by the Convention. There is a need to strengthen compliance with the Convention by improving coordination amongst the various government ministries and departments which design policies and implement programmes which have an impact on children. In addition, government ministries need to publicize the services they offer on behalf of children, so that this information can be made accessible to all in the public and private sector.

29. It is recommended that actions be taken to ensure that all government ministries document measures being and expected to be taken to demonstrate compliance with the provisions of the Convention. It is also recommended that a workshop be organized by the Ministry of Housing to examine the ways in which interministerial coordination can be improved as it relates to the provisions of the CRC. Prior to that a situational analysis of children in Saint Vincent and the Grenadines should be commissioned.

III. DEFINITION OF THE CHILD (art. 1)

A. Definition of the child under the law

30. The laws of Saint Vincent and the Grenadines are historically based on the Common Law system inherited as part of the British colonial tradition prior to this country's attaining independence. The legal rights and responsibilities of children were defined according to their age.

31. This continues to be reflected in the legislation even subsequent to independence. The Law of Minors Act states that a "minor" is a person under the age of 18 years (cap. 169, sect. 2). This means that while a person is under the age of 18 years, he or she is considered legally a minor or a child in relation to any law which uses the terms "minor", "infant" or "child". If a particular law makes reference to a younger age, the person would be considered or would be treated as an adult even if he or she has not attained the age of 18 years. Some of the varying ages are stated in the section of this chapter entitled "Legal minimum age". Another law which provides an age-specific definition of the child is the Immunisation of Children Act (cap. 224, sect. 2), which defines "child" as a person under the age of five.

32. In addition to the age factor, the law also defines the child in certain circumstances according to the relationship with the particular person or persons with whom he or she is living or in whose care and custody he or she is. The Maintenance Act extends the definition to state that "child" includes a child born in and out of wedlock and any child who has been treated as a child of the family (cap. 171, sect. 2). The Matrimonial Causes Act (cap. 176, sect. 2) also speaks of "a child of the family" in relation to the parties to a marriage as meaning a child of both those parties and any other child who has been treated by both of those parties as a child of the family.

33. Given the need to create legislation addressing a broad range of situations, it may not be possible to find in any one piece of legislation a comprehensive definition of a child. It can be said that the spirit of the legislation in matters relating to the custody, care and upbringing of the child is to interpret the term as widely as possible.

B. Legal minimum age

34. Criminal responsibility. The legal minimum age for criminal responsibility is eight years (Juveniles Act, cap. 168, sect. 3 and the Criminal Code, cap. 124, sect. 12).

35. Capital punishment. The Criminal Code (cap. 124, sect. 24) states that the sentence of death shall not be pronounced against a person convicted of an offence if at the time when the offence was committed he was under the age of 16 years. This implies that a 17-year-old can be sentenced to death.

36. Medical treatment without parental consent. The Age of Majority Act (cap. 164, sect. 4) provides that a minor who has attained the age of 16 years is entitled to any surgical, dental or medical treatment without parental consent.

37. Full-time employment. The Employment of Women, Young Persons and Children Act (cap. 148, sect. 2) states that no child shall be employed in any industrial undertaking or on ships. A child is defined as a person under the age of 14. There is a proviso to the section which allows children under 14 to be employed in industrial undertakings which are carried out in recognized schools, as long as such work is approved and supervised by a public authority.

38. Industrial undertaking is given the meaning assigned to it in the Minimum Age (Industry) Convention (Revised) 1937, which defines an industrial undertaking to include "mines, quarries and other works for the extraction of minerals from the earth; industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished for sale, broken up or demolished, or in which materials are transformed including ship building, and the generation, transmission of electricity and motive power of any kind; ... transport of passengers or goods by road or rail, or inland waterway, including the handling of goods at docks, quays, wharves and warehouses but excluding transport by hand ... ". It can be argued that the laws in Saint Vincent and the Grenadines prohibit the employment of children under the age of 14 as bus conductors or garage employees, which is a popular line of work for young men in the State.

39. Exception is made by The Employment of Women, Young Persons and Children Act (cap. 148, sect. 8) to agricultural or horticultural work done by a child for his parents or guardians on the family land or garden outside of school hours and also to the participation of a child without fee or reward in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.

40. Recruitment of workers. The Recruiting of Workers Act (cap. 151, sect. 4) states that persons under the age of 18 shall not be recruited except if the Governor General permits persons under the age of 18 but above the age of 16 to be recruited with the consent of their parents or

guardians for employment upon light work, subject to such conditions as he may prescribe. Given the prevalence in Saint Vincent and the Grenadines of recruiters for work on ships, this law requires close monitoring.

41. Hazardous employment. The Employment of Women, Young Persons and Children Act (cap. 148, sect. 8) establishes that no child under the age of 14 years shall be employed and provides for exceptions to be made for certain types of employment. There is no specific provision for a higher age limit for employment which by its nature or the circumstances in which it is carried out is dangerous to the life, health or morals of the persons employed therein, as recommended by article 5 of the Minimum Age (Industry) Convention (Revised) 1937. The age limit for hazardous employment remains 14 years.

42. Compulsory education. There is no legal minimum age for the end of compulsory education in Saint Vincent and the Grenadines. The Education Act 1992 provides the framework for compulsory education to be instituted in the State.

43. Sexual consent. The Criminal Code makes it an offence to commit an act of gross indecency with a child under the age of 14 (sect. 128) and prohibits buggery between any two persons (sect. 146).

44. The Criminal Code, cap. 124, establishes 15 as the minimum age for a girl to give consent to sexual intercourse. It is illegal for a man to have sexual intercourse with a girl under the age of 15. There are however, two categories of offence:

(i) Sexual intercourse with a girl under 13 (sect. 124);

(ii) Sexual intercourse with a girl of or above 13 but below 15 (sect. 125).

These two offences are marked by different punishments, that is, life and five years' imprisonment respectively. With regard to the offence under section 125, the law merely gives a man under 19 a defence pursuant to section 125 (2) if at the time of the sexual intercourse he believed the girl to be of or over the age of 15 and had reasonable cause for such belief.

45. Marriage. The Marriage Act (cap. 173, sect. 4) states that the minimum age for marriage for females is 15 and for males is 16.

46. Voluntary enlistment in the armed forces. Saint Vincent and the Grenadines does not have an army. The Police Act (cap. 280, sect. 6) provides that the minimum age for entering the police force is 19 years. The Police Act (sect. 55) also provides for the establishment of an "Auxiliary Police" to be called out when additional police are required, and the minimum age for enlistment is 18 years (sect. 57).

47. Voluntarily giving of testimony in court. There is no minimum age for voluntarily giving evidence in court. The court will be guided by an assessment of the age and understanding of the child and the child's ability to distinguish right from wrong. It is then up to the judge or jury to determine what weight will be given to the child's evidence. According to the Juveniles Act (cap. 168, sect. 31) a child of tender years may be called as a witness even if, in the opinion of

the court, he does not understand the nature of an oath but is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth. His evidence can be taken provided that, where such evidence is given on behalf of the prosecution, the accused is not convicted unless that evidence is corroborated materially.

48. Deprivation of liberty. Under the Juveniles Act (cap. 168, sect. 12) a juvenile court has the power to commit a juvenile, defined as a person under the age of 16, to an approved school. An approved school is, under the law, any place declared so to be by the Governor General. If no such approved school exists, the juvenile may be remanded by the magistrate's court to a prison if he is not released on bail (cap. 168, sect. 24). In addition, the Constitution of Saint Vincent and the Grenadines (cap. 2, sect. 3) establishes that such a juvenile can be deprived of his personal liberty under the order of a court or with the consent of his parent or guardian, for his education or welfare up to the age of 18 years.

49. Conscription into the armed forces. There is no army and entry into the police force is voluntary.

50. Imprisonment. The Juveniles Act (cap. 168, sect. 19) establishes that a person under the age of 16 is not to be sentenced to imprisonment for any offence or be committed to prison in default of payment of any fine, damage or costs.

51. Consumption of alcohol or other controlled substances. The Liquor Licence Act (cap. 342, sect. 27) prohibits consumption of liquor on the premises of a liquor licence holder by any person apparently under the age of 16. The Juveniles Act (cap. 168, sect. 8) makes it an offence for any person to give or sell to any child under the age of 10 any intoxicating liquor.

C. Age of majority

52. The Age of Majority Act, (cap. 164, sect. 2) provides that persons formerly referred to as infants, from the date of the Act are referred to as minors and that the age of attaining majority or full age is 18 years.

D. Concluding comments

53. The Convention on the Rights of the Child in article 1 defines the child as a human being below the age of 18 years. In keeping with the Convention, the laws of Saint Vincent and the Grenadines provides for majority to be attained at that age.

54. Despite this, in some circumstances legal responsibilities can be incurred at an earlier age. As has been discussed in this chapter, these circumstances range from giving sexual consent to being able to enter into full-time employment. There may be a need for revision of these provisions governing the attainment of earlier majority given that the practical situations which the legislation had sought to respond to may no longer exist and that new circumstances might now prevail. This is borne out by the fact that if one examines the relevant legislation, some of it was passed many years ago and has not been substantially amended.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

55. The principal legislative enactment relating to non-discrimination against any person, including the child, is the Constitution of Saint Vincent and the Grenadines. It states that every person in Saint Vincent and the Grenadines is entitled to the fundamental rights and freedoms whatever his race, place of origin, political opinions, colour, creed or sex (cap. 2, sect. 1). The exercise of these rights is stated as being subject to the rights and freedoms of others and the public interest.

56. The main rights and freedoms enshrined in the Constitution are the following:

Protection of the right to life;

Protection of the right to personal liberty;

Protection from slavery and forced labour;

Protection from inhuman treatment;

Protection from deprivation of property;

Protection from arbitrary search or entry;

Protection of legal process;

Protection of freedom of conscience;

Protection of freedom of expression;

Protection of freedom of assembly and association;

Protection of freedom of movement;

Protection from discrimination on the grounds of race, etc.

57. Thus, the Constitution provides a general blanket provision which seeks to ensure that, in the exercise of any of the fundamental rights and freedoms listed above, persons in authority act in a non-discriminatory manner. The Constitution also has a specific section which relates to protection from discrimination (cap. 2, sect. 13). In that section, "discriminatory" is defined as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description".

58. The Constitution establishes that no law should make any provision that is discriminatory either of itself or in its effect and that no person should be treated in a discriminatory manner by any persons acting by virtue of any written law or in the performance of the functions of any public office or any public authority. This establishes that all persons are equal before the law. Whilst there is no reference to age, or to the child, in the definition of discrimination, the child is included as a person and therefore the child would be availed of these fundamental rights and freedoms.

59. There are several important issues which need to be discussed in relation to the requirement of article 2 of the Convention and its application in Saint Vincent and the Grenadines. Firstly, the provisions of the Constitution of Saint Vincent and the Grenadines, as outlined in the previous paragraphs, do protect the child against discrimination on the grounds of race, sex, place of origin, political opinions, colour or creed. There is no specific reference in the Constitution to language, national, ethnic or social origin, property, disability, birth or other status. These will now be addressed in turn.

60. Language. The language spoken in Saint Vincent and the Grenadines is English. At home most children speak the local version. The issue of language is not of major importance in the country since there are no major language differences within the general population. The Education Act states that no child shall be refused admission to a public school on account of his language (Act No. 29 of 1992, sect. 14).

61. National, ethnic or social origin. Once a child of another nationality has entered the State of Saint Vincent and the Grenadines he or she is in practice ensured that his or her rights as stated in the Convention will be respected. In effect, there is no legislation on the statute books which provides more favourable treatment to non-Vincentians from one country as opposed to non-Vincentians from another country with respect to health care, educational opportunities and all the other aspects of which the Convention speaks. The Education Act states that no child shall be refused admission to a public school on account of his race or social status (Act No. 29 of 1992, sect. 14).

62. There are certain privileges enjoyed by certain children based on their national origin. In practice, citizens from the countries belonging to the Organization of Eastern Caribbean States (OECS) have privileges based on the cooperation agreements signed by the various OECS countries further to the Organization of Eastern Caribbean States Act (cap. 140) and these may not be available to children who are not citizens of OECS territories. They include access to some educational and training opportunities, as well as privileges relating to freedom of movement within the countries of the OECS.

63. Children who are citizens of Commonwealth countries have privileges based on the membership of Saint Vincent and the Grenadines in the Commonwealth and its historical ties with the United Kingdom. These privileges are not available to children who are not citizens of Commonwealth countries. Under the legislation, there are separate provisions for Commonwealth citizens in Saint Vincent and the Grenadines. The Deportation and Restriction of Commonwealth Citizens Act, (cap. 76) regards a person as belonging to Saint Vincent and the Grenadines if he or she is a citizen of Saint Vincent and the Grenadines or a Commonwealth citizen who has been ordinarily resident in Saint Vincent and the Grenadines for at least

seven years. The dependants of such a person include a child, stepchild or adopted child under the age of 16 and these dependants are also considered to belong to Saint Vincent and the Grenadines under the terms of the law (cap. 76, sect. 2). Conversely, under the terms of the Expulsion of Undesirable Aliens Act (cap. 77, sect. 2) an alien is defined as any person who is not a Commonwealth citizen and the law makes no provision for any time period after which an alien is considered to belong to Saint Vincent and the Grenadines. The children of such persons would be aliens and would not have the same privileges as children of Commonwealth citizens.

64. The Immigration (Restriction) Act (cap. 78, sect. 2) includes in the definition of persons who belong to Saint Vincent and the Grenadines, citizens of Saint Vincent and the Grenadines and Commonwealth citizens who have been domiciled in Saint Vincent and the Grenadines for seven years, as well as the children, stepchildren and adopted children of such persons who are under the age of 18.

65. The Population and Housing Census, 1991 states that 77.1 per cent of the population is of African/Negro/Black ethnic group, 16.4 per cent of mixed origin and 3.1 per cent of Carib origin. The ethnic composition of Saint Vincent and the Grenadines is not sufficiently varied for there to be any conclusive statements made on the impact of ethnicity in this report. The Poverty Assessment Report for Saint Vincent and the Grenadines (1996), a report commissioned by the Government of Saint Vincent and the Grenadines with technical assistance from the Caribbean Development Bank sheds some light on the situation in that it states that "the small community of persons of Carib ancestry, concentrated in the North of the main island, constitutes a socially distinctive group in Saint Vincent and the Grenadines, and tends to be viewed as the base of the social pyramid". Further in the report, it is stated: "The Carib Community of Saint Vincent does experience some subtle social discrimination in the functioning of the society". (ibid. p. 25).

66. It can be said that, in general, whilst there is no overt discrimination based on social origin in Saint Vincent and the Grenadines, children of parents with higher incomes have access to better health care and educational opportunities inside and outside of Saint Vincent and the Grenadines. This is perhaps something which the State is unable to control. In most cases, the public services available are provided to all on a first come first served basis and access to them is not dependent on the social status of the recipient.

67. Property. Under the laws of Saint Vincent and the Grenadines there is no discrimination against a child based on the child's or his or her parent's or legal guardian's property. The Status of Children Act (cap. 180, sect. 7) has sought to remove the discrimination against children born out of wedlock in cases relating to succession to property on intestacy or which emerges out of the construction of a will. The law now allows for a child born out of wedlock to have equal status with his or her siblings born in wedlock once the paternity has been established prima facie.

68. Disability. Under the Laws of Saint Vincent and the Grenadines there is no discrimination against a child based on the child's or his or her parent's or legal guardian's disability. In practice however there is a difficulty in providing services such as education and health care to children with certain types of disability which render them unable to attend the available institutions geared towards the care of persons with disability. This will be further discussed in chapter 7 of this report.

69. Birth. Under the Immigration (Restriction) Act (cap. 78, sect. 2) a child born out of wedlock who is not adopted, legitimated or a stepchild, is only considered to belong to Saint Vincent and the Grenadines if the mother is a Commonwealth citizen or a citizen of Saint Vincent and the Grenadines, or if the mother is married to a citizen of Saint Vincent and the Grenadines.

70. The Status of Children Act (cap. 180, sect. 3) states that all children are to have equal status whether or not the mother or father have been married to each other. In general, after the Status of Children Act, the word relationship does not mean only legitimate relationships. However in issues relating to domicile, citizenship or adoption the old rule still applies.

71. The Status of Children Act provides important mechanisms for addressing the thorny problem of establishing paternity, thus enabling children born out of wedlock to access whatever benefits to which they are entitled and from which they would otherwise be excluded. These mechanisms include blood tests (cap. 180, sect. 11), provisions for voluntary acknowledgment of paternity, as well as applications to the High Court for a declaration of paternity by the mother of the child, the father of the child or an interested party (cap. 180, sect. 10).

B. Best interests of the child (art. 3)

1. Provisions for the child's best interest

72. The principle of the child's best interest is enshrined in various legislative enactments. The Law of Minors Act (cap. 169, sect. 5) provides that in the proceedings before any court, where the custody or upbringing of a minor or the administration of any property belonging to a minor is in issue, the court "shall regard the welfare of the minor as the first and paramount consideration". This is supported by the Matrimonial Causes Act (cap. 176, sect. 64) whereby, before the making of a decree of divorce or nullity of marriage or grant of judicial separation, the court has to satisfy itself that the arrangements for the welfare of the child of the family are the best that can be devised in the circumstances. In the making of any order to extend the provisions of the Act to any child of the family, the court will take into account any special circumstances which make it desirable that in the interest of the child the Act should apply to him. The Adoption Act (cap. 163, sect.16) states that before making an adoption order the court must be satisfied that the order if made will be for the welfare of the child, due consideration being given to the wishes of the child, having regard to his age and understanding. The Domestic Violence (Summary Proceedings) Act, 1995 states that in making an occupation order, the court must be satisfied that such an order is "in the best interests of the child".

73. In school life, social life and courts of law the best interest of the child is usually the main principle which governs decisions made in relation to the child in Saint Vincent and the Grenadines. In family life it is often found that the parents or guardians put the interest of the parent or guardian in an equal position to or even in preference to the best interest of the child. The main rationale for this is that the survival of the family comes first and decisions must be made to protect the interests of the breadwinner or main caregiver prior to protecting the interests of the child. This factor is often present where criminal proceedings are brought against a parent or guardian for acts allegedly done against the child. Often the child is pressured to withdraw the matter or not to give evidence against the particular parent or guardian.

2. Standards of facilities for the care and protection of children

74. The only legal provisions relating to standards of facilities for the care and protection of children are contained in the Juveniles (Approved Schools) Rules, subsidiary legislation pursuant to the Juveniles Act (cap. 168, sect. 15). These rules establish that the managers of an approved school are under an obligation to provide for the clothing, maintenance, upbringing and education of the persons under their care. These rules provide for the care of juveniles and cover topics such as dietary standards, the school routine to be observed, religious instruction, recreation, disciplinary matters, including corporal punishment, and medical and dental care. At present, there are no approved schools in existence in Saint Vincent and the Grenadines.

75. Responsibility for implementing the Juveniles Act is vested in the Ministry of Justice. The Ministry of Housing and, in particular, the Social Welfare Department are given the mandate to address all social welfare issues, including the care and protection of children. There is no ministry which is legally responsible for ensuring the enforcement of proper standards in children's institutions. There is no legislation which provides direction in such areas as the control and management of children's homes or the management of foster care. There is therefore a need for legislation to govern the registration, licensing and regulation of all facilities utilized for the care and protection of children, whether or not the facility is maintained by Government or a private agency, in order to ensure that some minimum standards are maintained.

76. In practice, the Social Welfare Department utilizes its own administrative guidelines in decision-making regarding the standards of facilities for the care and protection of children. These facilities are basically the homes in which children are placed in foster care, since there is only one government institution in the country which takes care of children who have been abandoned or who are in need of care or protection in the short or long term.

77. This facility, the Liberty Lodge Boys Training Centre is administered by the Ministry of Education and has capacity for only 25 boys. As its name implies, it is not intended to be an institution for the care of abandoned or neglected children, although it often fulfils that role. It was originally established as an educational/vocational training centre but has evolved into a facility for the care of boys who are experiencing behavioural problems. It is not an approved facility, however, under the terms of the Juveniles Act. Boys are referred to this Centre by the Family Court or the Social Welfare Division. Boys are free to leave or be withdrawn from the facility by their parents. Children are entitled to go home for summer vacation and are generally free to move around.

C. The right to life, survival and development (art. 6)

78. The Constitution of Saint Vincent and the Grenadines ensures that the right to life is protected (cap. 2, sect. 2) except where the person is deprived of his life in execution of a sentence of a court in respect of any criminal offence under any law of which he has been convicted, or through the use of legal and justifiable force or as the result of a lawful act of war. The Criminal Code reinforces the constitutional provision concerning the right to life through clauses which prohibit murder (cap. 124, sect. 159) and threats of murder (cap. 124, sect. 165).

79. Specifically in relation to the child, the Criminal Code prohibits infanticide. This means that a woman who, through her wilful act or omission, causes the death of her child under the age of 12 months may be convicted of infanticide instead of murder if her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child (cap. 124, sect. 164). The Criminal Code establishes that a child becomes capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, whether it has independent circulation or not, and whether the navel string is severed or not (cap. 124, sect. 170). The Criminal Code also creates the offence of killing an unborn child. This refers to any act which prevents a child being born alive when the mother is about to be delivered of the child (cap. 124, sect. 171).

80. The crime of abortion is committed when any person gives a woman any poison or causes her to take any noxious thing or uses any means to make her miscarry, even when she is not pregnant (cap. 124, sect. 149). Such a pregnancy may be legally terminated in a hospital or other establishment if two medical practitioners are of the opinion that the continuation of the pregnancy would involve risk to the life of the pregnant woman or injury to her physical or mental health or that of any existing children of hers, greater than if the pregnancy were terminated.

81. The Criminal Code seeks to ensure the survival and development of the child by making it a criminal offence to abandon or expose any child under the age of two with the result that the life of the child is endangered or the health of the child is or is likely to be seriously or permanently injured (cap. 124, sect. 198). It also makes it an offence for any person who has the duty of providing the necessaries of life to a child to fail do so with the result that the child is likely to be endangered or his health is likely to be seriously or permanently injured (cap. 124, sect. 198).

82. The provision of financial support for the maintenance of a child or children is ensured by the Maintenance Act, (cap. 171, sect. 3), which makes it the duty of a man, married woman having separate property or single woman as the case may be, to provide reasonable maintenance for children under the age of 16 or those over the age of 16 if due to being physically or mentally handicapped they are unable to help themselves.

D. Respect for the views of the child (art. 12)

83. The Adoption Act (cap. 163, sect. 16) states that before making an adoption order the court must be satisfied that the order, if made, will be for the welfare of the child, due consideration being given to the wishes of the child, having regard to his age and understanding. The Law of Minors Act (cap. 169, sect. 12) empowers the High Court to make any order it thinks fit for the custody, right of access and maintenance of a minor after taking into consideration the welfare of the minor and the conduct and wishes of the mother and father. There is no mention of consulting the wishes of the minor. The same Act, however, in relation to the powers of the court to make an order for the production of a child who is in the possession of another person other than the parent (sect. 27), gives the court the power to consult the wishes of the minor in considering what order ought to be made (sect. 31). It is recommended that within any policy on

children or related legislation there is a need to ensure that any court consults the wishes of a minor in all situations regarding custody once the minor has the maturity to understand the situation and to make some free choice.

84. In Saint Vincent and the Grenadines children's views are generally not taken seriously. In families in the middle and upper income brackets there is more emphasis on the views of the child in relation to matters affecting him or her. In addition, children from those brackets tend to be more exposed to situations where self-expression is encouraged by adults from an early age.

85. In general, the courts will take into account the views of children who have reached a certain age and maturity in judicial proceedings affecting them. Outside of that, the views of the child are considered in school disciplinary proceedings. In any conflict in which children are involved, whether it is with a teacher or with another student, the child is normally present along with the parents or guardians and is asked to present his or her side of the story before any action is taken.

E. Concluding comments

86. What this chapter highlights is that the general principles of the CRC are in place to some extent. These are non-discrimination, acting in the best interests of the child, the right to life, survival and development and respect for the views of the child. There are several aspects which still need to be addressed, including the protection of children with disabilities from discrimination.

87. At present, the Constitution of Saint Vincent and the Grenadines does not specifically include the issue of disability as a discriminatory factor and, given the tendency of persons in the society to discriminate against children with disabilities, this needs to be given some attention.

88. There is also a need to draft legislation to establish minimum standards of care in public and private facilities for children who are either removed from their home environment or are abandoned or who for whatever reason need the benefit of such facilities.

89. The lack of a facility where children can be taken care of if they require special care and protection is an issue that will also need to be dealt with as a matter of urgency. This will be further discussed in chapter VI of this report.

V. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

90. In the social and cultural context of Saint Vincent and the Grenadines, the right of the child to a name has two distinct elements to it. One is the legal aspect and the other is the sociocultural aspect. They will be discussed separately.

91. Legally, there is a requirement that every child born in the State of Saint Vincent and the Grenadines should be registered within 14 days after birth by the father and mother of the child or by the occupier of the house or place where the child is born (Registration of Births and Deaths Act, cap. 179, sect. 17). At the time of registration, the child is given a name, which would include the Christian name and a surname.

92. If the father and the mother of the child are not married and the father of the child does not present himself with the mother at the time of registration, that child will not carry his surname. The child will only carry the father's surname if the father subsequently makes a declaration before the prescribed authorities that he is the father or if the courts of law, through due process, declare him to be the father (Registration of Births and Deaths Act, cap. 179, sect. 28).

93. If the parents of the child are married or if the child is born within 10 months of the dissolution of the marriage by death or otherwise then the courts will presume that the child is a child of the marriage. In that case, the child will bear the name of the husband to whom the woman was married prior to the dissolution of the marriage (Status of Children Act, cap. 180, sect. 6). If 10 months prior to the birth of the child the mother remarried or was living apart from the husband under a separation agreement or other order made by a court, the child will not automatically bear the name of the man to whom she was married.

94. Conversely, the child who was born to parents who subsequently married can apply to the Registrar General to have him or herself re-registered under the Legitimation Act (cap. 170, sect. 3). The Legitimation Act (cap. 170 sect. 3) also makes provision for the re-registration of persons who have been legitimated by the father acknowledging himself to be the father of the child or by the courts having made a declaration of paternity in favour of a particular child.

95. The issue of time in relation to the registration of a child after birth is important in law since if a child is registered three months or more after its birth, then a fee is payable. The registration of the birth of a child after the expiration of 12 months after its birth can only be done on the written authority of the Registrar General and on the payment of a prescribed fee (Registration of Births and Deaths Act, cap. 179, sect. 22).

96. The cultural or socio-economic issues related to the registration of births are important. In Vincentian society, carrying the father's name still implies a certain privileged status as opposed to the child who bears the mother's surname. The concept of "bastardy" is still a very live one in this ex-colonial society. Whilst the stigma attached to being born out of wedlock may not be as great as in other countries, negative perceptions still remain associated with the term and thence the person to whom it is attached. In practical terms, the child born out of wedlock usually does not have the fullest social acceptance as does the child born within marriage.

97. This historical sociocultural bias against children born out of wedlock is reflected in the legislation. What the legislators have sought to do in the recent past has been to try and correct this bias by allowing the father's name to be inserted in the register of births and by stating in principle that all children are to have equal status irrespective of whether the father and the mother are or have been married to each other (Status of Children Act, cap. 180, sect. 3).

98. There are several means by which a child can carry the name of both parents in the register of births. One way is by the father accompanying the mother to register the child. This is fairly straightforward and is provided for under the provisions of the Registration of Births and Deaths Act heretofore mentioned. The second way is to have an affiliation order or a paternity order made by the Family Court under the Maintenance Act (cap. 171, sect. 18). The third way is for the child to become legitimated under the Legitimation Act by the subsequent marriage of his or her parents (cap. 170, sect. 3). The fourth way is for a declaration of paternity to be granted by the High Court under the Status of Children Act (cap. 180, sect. 10). This allows the child to apply to the court to establish that the relationship of father and child exists with any particular person, whether or not that person is living or dead.

99. The CRC also establishes the right of the child to acquire a nationality. Under chapter VII of the Constitution of Saint Vincent and the Grenadines Act (cap. 2, sect. 91), every person born in Saint Vincent and the Grenadines immediately before and after the commencement of the Constitution is a citizen of the State unless at the time of his birth his father is a citizen of a country with which Saint Vincent and the Grenadines is at war. Children born outside of Saint Vincent and the Grenadines can acquire Vincentian citizenship once either of their parents are Vincentian citizens (cap. 2, sect. 92).

100. The Immigration (Restriction) Act (cap. 78, sect. 2) which governs the entry of persons into Saint Vincent and the Grenadines includes in the definition of a person who belongs to Saint Vincent and the Grenadines a child under the age of 18 who is the child, stepchild or adopted child of a citizen. If the child is born out of wedlock and is neither legitimated, adopted or a stepchild he is deemed to belong to Saint Vincent and the Grenadines only if his mother is a citizen. This is supported by the Status of Children's Act (ibid, sect. 3), which states that issues relating to domicile or citizenship are not affected by its provisions. It is recommended that the Immigration (Restriction) Act be further examined to determine whether its provisions are against the spirit of the Convention.

101. The Saint Vincent and the Grenadines Citizenship Act (cap. 80, sect. 4) states that in addition to the provisions of the Constitution, a person born in Saint Vincent and the Grenadines after the date of independence is a citizen of Saint Vincent and the Grenadines by birth if his mother is a citizen. This legislation also provides for children to have more than one nationality (ibid, sect. 10). If a child who is not a citizen of Saint Vincent and the Grenadines is adopted by a citizen then the child shall become a citizen from the date of the adoption order. There is also provision in the law for the Minister, in this case the Minister of Foreign Affairs, to have discretion in special circumstances to register any minor as a citizen of Saint Vincent and the Grenadines (ibid, sect. 8).

B. Preservation of identity (art. 8)

102. The legal provisions are in place to respect the right of the child to preserve his or her identity, nationality, name and family relations. The nationality of children who are not Vincentian citizens is protected by The Saint Vincent and the Grenadines Citizenship Act (cap. 80) which provides for children to have more than one nationality (ibid, sect. 10). The identity of the child is protected by the guarantees and undertakings outlined in the various provisions of the Constitution of Saint Vincent and the Grenadines which speak to the

fundamental rights and freedoms of all Vincentians, including children. With respect to persons who are immigrating to Saint Vincent and the Grenadines, the Immigration (Restriction) Act, (cap. 78) seeks to protect children of immigrants from being considered prohibited immigrants under the law by ensuring that their identity is properly ascertained.

C. Freedom of expression (art. 13)

103. Persons in Saint Vincent and the Grenadines are guaranteed the right to express themselves by section 10 of the Constitution, which grants freedom of expression, including freedom to hold opinions without interference, freedom to communicate ideas and information without interference, and freedom from interference with their correspondence, as long as this does not contravene laws made to protect public safety, public health and public order or which are made to protect the reputation and private lives of persons.

104. In practice, programmes are in place throughout the year to enable children in the State to avail themselves of opportunities to express themselves. These include specific activities planned during Youth Week, Child Abuse Prevention Month and Child Month, as discussed in chapter II, section B.1 of this report. The Ministry of Education and Culture organizes a schools drama and dance festival which involves all the primary and secondary schools and which enables children to display their dramatic talents and builds their capacity for self-expression.

105. Outside of these programmes there are numerous opportunities available to children for self-expression. Some of these are through activities organized by schools or through non-profit organizations. At the national level, there are some annual activities such as a public speaking competition amongst secondary schools. There is also a debating competition and several spelling competitions at both primary and secondary school level. Some non-governmental organizations and community groups organize exchange visits between communities within and outside of Saint Vincent and the Grenadines. Private business enterprises also sponsor and organize popular dance and singing competitions and beauty contests, which have great appeal to teenagers. One insurance company is organizing an art competition regionally in 1999 and Vincentian children are being invited to participate. Another private enterprise is promoting a young leaders' programme to develop skills in young people in the region. Through this programme, young people are able to travel to the different islands and develop their capacities for self-expression.

106. Another forum where children and youths are encouraged to express themselves is training workshops organized throughout the year by various government departments, voluntary organizations and churches. The wide range of issues discussed at these workshops include teenage pregnancies, drugs, AIDS and parenting.

D. Access to appropriate information (art. 17)

107. In the context of Saint Vincent and the Grenadines, there are several ways in which children receive information. These are mainly through radio and television broadcasts, the Internet, computer programs, written material and public dissemination through talks, lectures, seminars and other oral forms of expression.

108. Radio and television. Since 1995 the Government of Saint Vincent and the Grenadines has encouraged the growth of FM radio stations by granting new licences and as a result several radio stations are now operating. The main AM station is government controlled but all the FM stations are privately operated and carry a variety of programmes on a daily basis. Children have access to all these radio stations and there is no limit placed on the importation of radios, apart from the regular Customs duty payable on such items. These radio stations are not required to provide a portion of their programming for children and perhaps this could be recommended as part of the licencing agreement. It should be noted that the government radio station, Radio 705, provides free radio time to government departments which they can use for the discussion of issues related to the CRC.

109. Most homes have a television set. At present there is only one television station in the country and it is privately owned. It does not transmit on a 24-hour basis, but transmits mostly from midday until the following morning. Despite this, it is not able to broadcast many locally produced programmes for children since these are not regularly produced. There is no local children's television programme and this is an aspect which needs to be addressed by the Government of Saint Vincent and the Grenadines.

110. Cable television has taken on increasing popularity in Saint Vincent and the Grenadines over the past five years and the local cable company now offers over 20 channels. Some private individuals also have their own satellite dishes, which enables them to access outside channels without resort to cable television.

111. Such widespread access to television channels from outside of Saint Vincent and the Grenadines offers a major challenge to the authorities interested in developing appropriate guidelines for the protection of the child from information and material injurious to his or her well-being. There is little evidence that cable television viewing by children within the home is adequately monitored and there are frequent incidences of material unsuitable for children being transmitted during times when children are at home.

112. There needs to be an educational programme for parents on the importance of monitoring what their children watch on television. The Criminal Code makes it an offence for any person to carry out the business of distributing films "tending to corrupt morals" or to carry on or take part in any business, whether public or private, which distributes such movies publicly or makes a business of lending them (cap. 124, sect. 284). In practice this law is not observed and it is questionable whether it would apply to the transmission of television broadcasts.

113. The Internet. There is a growing interest in using the Internet to provide children with access to information and several private individuals have purchased computers for use within their homes. Apart from this there is a commitment by the Government to secure computers for schools at the secondary and tertiary level and funding has been secured for this purpose. Several primary and secondary schools have, on their own initiative, secured donations of computers from the private sector and have gained access to the Internet. The local service provider, Cable and Wireless, has been donating free linkup to the Internet to several educational institutions.

114. There still remains to be considered the issue of putting in place mechanisms to monitor the use of the Internet by children, since there is growing concern internationally over the abuse of the Internet by persons interested in carrying on nefarious activities, such as the display of pornographic material and the sale of sexual services via that medium. Other than that, the Internet will clearly be a source of valuable information to children seeking diverse material from various sources and, if effectively utilized, will greatly contribute to the broadening of children's creative capacities.

Publication and dissemination of children's books

115. There is very little publication of children's books within the country. The few that have been produced have been geared towards providing educational material for students. The recent publication of a social studies resource book for secondary school students is one notable example. Most books are purchased or received as donations from abroad. There are several commercial bookstores in Saint Vincent and the Grenadines, since the Government is not involved in the distribution and sale of books. Access to good publications for children on a wide variety of topics is very limited since commercial considerations are paramount for the bookstores and they mainly stock up on recommended texts for schools.

116. The National Library Service is a part of the Ministry of Education, Culture and Women's Affairs. The Library caters to adults and children and the reference section is used by many school children. The National Library Service celebrated its annual National Library Week in March of 1999. During this week the National Library services holds various activities geared towards publicizing the material available in the library and the National Archives. Some bookstores also offer discounts on books and other reading materials.

117. The main library, the Kingstown Public Library, is in urgent need of more reading materials for children and the building in which it is housed, located in the business district of the capital city, Kingstown, needs repairs and improvement. There are small libraries in some of the schools and rural communities and these are managed by individual schools or organizations.

118. Some materials for rural libraries are provided by the Department of Local Government. These libraries are supervised by the National Library Service and there is a need to strengthen the access of children in the rural areas to adequate reading material. During the summer vacation one of the commercial bookstores also sponsors a reading competition among schoolchildren to encourage good reading habits.

E. Freedom of thought, conscience and religion (art. 14)

119. The Constitution of Saint Vincent and the Grenadines protects the right to freedom of thought, conscience and religion for all Vincentians, including children (cap. 2, sect. 9). If a person is under the age of 18 years, only on the consent of his guardian, will he or she receive religious instruction whilst attending any place of education or being detained in any prison or corrective institution. Freedom of thought, conscience and religion is in practice observed in the State, since there are many different religious beliefs, although the majority are of Christian origin.

120. The Education Act (Act No. 29 of 1992) ensures that attendance at religious instruction is not allowed as a condition for admission to a public school and that any parent may request that his or her child be excused from attendance at any religious observance or instruction (sect. 15).

121. In cases where a child is detained at an approved school under the Juveniles Act, the Juveniles (Approved School) Rules state that the managers of such an approved school should as far as may be practicable arrange for juveniles to receive religious instruction from a minister of the religion to which they belong (cap. 168, rule 20). Where a child is brought before the Juvenile Court or is convicted of committing an offence and is thereafter placed in the care of a fit person by an order of the court, the court, before making the order, shall endeavour to ascertain the religious persuasion of the juvenile and, wherever possible, this will be taken into consideration (cap. 168, sect. 21).

122. Under the Law of Minors Act, where the High Court gives custody of the minor to someone other than the parents, the court has power to order that the child should be brought up in the religion of the parent's choice (cap. 169, sect. 30).

F. Freedom of association and of peaceful assembly (art. 15)

123. Under the Constitution of Saint Vincent and the Grenadines all persons are guaranteed the fundamental right to freedom of association and peaceful assembly (cap. 2, sect. 11). In practice young people in the State have a tradition of participating freely in youth groups or organizations of various types and for various purposes. Children have also participated in peaceful picketing, for example, when they have been protesting conditions at their educational institutions. In other situations young women have participated in peaceful marches to protest domestic violence and some young persons have participated in political activities such as youth rallies and have even joined political parties as members. The political parties of the country have drafted membership of their various youth organizations from the pool of teenagers aged 16 years and above.

124. In general, young people in the State are not restricted from associating or assembling and most do, especially young males who gather at street corners or recreational facilities.

125. In schools, students are permitted to form student councils. The Education Act provides that the Minister of Education should actively encourage the formation, functioning and development of student councils in all schools.

G. Protection of privacy (art. 16)

126. The Constitution of Saint Vincent and the Grenadines does not protect the privacy of the individual as a fundamental right, but it does protect the individual against arbitrary search and entry (cap. 2, sect. 7). This protects the individual from being subjected to arbitrary search of his or her person or his or her premises without his or her consent. However, it does not protect him or her from unlawful interference with his or her home or correspondence, nor from unlawful attacks on his or her honour and reputation. In the latter case the person would be able to seek redress in an action for libel or slander.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

127. Under section 5 of the Constitution of Saint Vincent and the Grenadines all persons are protected from being subjected to torture or to inhuman or degrading punishment or other treatment.

128. The Criminal Code states that the sentence of death shall not be pronounced against a person convicted of an offence if it appears to the court that at the time when the offence was committed he or she was under the age of 16 years (cap. 124, sect. 24). In lieu thereof, he or she is liable to be sentenced to be detained for life. There is a major difficulty in Saint Vincent and the Grenadines with regard to this provision, since there is no juvenile facility. The law provides for the authorities to place the juvenile in the public prison if there is no alternative.

129. The Juveniles Act (cap. 168), allows corporal punishment to be administered on males within approved schools, however the rules lay down the manner in which such punishment shall be administered.

130. Saint Vincent and the Grenadines has adhered to the United Nations Declaration on the Prevention of Crime and the Treatment of Offenders and in connection therewith has included the provisions of that declaration in its national legislation. The United Nations Declaration on the Prevention of Crime and Treatment of Offenders Act (cap. 143) makes it an offence to carry out acts of torture and other cruel, inhuman or degrading treatment or punishment on any person. The law incorporates the provisions of the Declaration in the Schedule, which defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspect to have committed or intimidating him or other persons".

131. Corporal punishment of children in schools is an issue which falls to be considered in this section. Regulations made under the Education Act provide for the manner in which corporal punishment should be administered in schools. The Ministry of Education is not at this time considering its discontinuance as a form of discipline.

I. Concluding comments

132. One of the main difficulties encountered in implementing the relevant provisions of the Convention with respect to the civil rights and freedoms of children has been the limited economic and human resources available. This has meant that whilst some of the legislation is well-intentioned and does address the measures provided for by the Convention, the implementation has been slow.

133. The major gap observed in relation to this chapter has been with respect to the right to access to appropriate information (art. 17). Whilst the existing trend is to introduce a wide cross-section of children to the information age through the provision of Internet services in

schools and in homes, it must be done with due precaution, to prevent children from having access to unsuitable material which, in the words of the Convention, would not "promote [their] social, spiritual and moral well-being and physical and mental health". This brings into play the need for proper sensitization and training for teachers and parents with respect not only to the benefits but also to the dangers of the Internet.

134. A wholehearted embracing of new technology is not advisable, especially in relation to its use for the teaching and education of young minds. If one observes the trend in developed countries, this aspect of monitoring of the Internet is receiving a great deal of attention because of concern on the part of many persons regarding the ongoing abuse of the medium. This should similarly be proposed for Saint Vincent and the Grenadines.

135. Similarly, the unrestricted access of many children to cable television poses many dangers for their spiritual and moral development. In the first instance, there is insufficient promotion of the need for extreme caution by parents in allowing children to view violent and/or sexually explicit material. This may require that the Government examine the possibility of introducing some form of monitoring of the programming provided by cable television companies to the public. There should be a promotion of programmes available on the cable television network which are recommended viewing for children.

136. The radio and television programming needs to be strengthened in order to provide more culturally relevant material for children. This will require that resources be put into the development of some form of local programming facility which would produce such programmes. Whilst it is recognized that the ongoing efforts by the radio and television producers are laudable given the resource constraints, the Government, in fulfilment of its obligations under the Convention, may need to consider investing in this as a means of counteracting the harmful social influences pervading the society which are affecting the values that children are absorbing from an early age.

137. Urgent attention needs to be paid to the issue of the dissemination and publication of children's books. Available reports indicate that, owing to the distractions provided by cable television, among others things, a large number of children in the country are not functionally literate. It is therefore critical that the Public Library Service be strengthened to enable it to carry out some remedial reading programmes and to also expand its stock of children's books.

138. A recommendation made by the Convention on the Rights of the Child Committee is that a board be established to censor materials to which children will have access. In the licensing agreement with the cable television companies there should also be included a clause allowing for some control by the Government or some responsible agency of the channels made available during the hours when children are expected to be awake.

139. With respect to the right of the child to a name and nationality (art. 7), there needs to be an amendment of the law to delineate some specific agency to register a child who is found abandoned and some mechanism established for providing that child with a name.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

140. The right of the parent to provide direction and guidance to the child in how that child exercises his or her rights is not explicitly spelt out in any legislation. However, in the context of Vincentian society, the State does not openly intervene in the upbringing of children who are with their parents or guardians unless there is some problem within the home and that problem is brought to the attention of the authorities. Even when the problem is brought to the attention of the authorities, the first resort is to involve the parents in the process of discussion to understand where the child is abusing his or her rights as recognized by the Convention. For example, the child may be exhibiting behaviour that is not in accordance with his or her rights. Such behaviour might involve membership in unlawful associations, gang-related violence or disorderly conduct carried out in the name of free speech. Where this leads to the commission of a criminal offence, the law does seek to provide counselling to the family through the Family Court, the Social Welfare Department or other agencies.

141. The Ministry of Health and the Environment, through its Health Education Unit, provides training in parenting and family life education to communities, women's groups and PTAs. This community outreach programme is conducted on an ongoing basis and the goal of the unit is to expand this programme into more communities. The Youth Department, within the Ministry of Housing, provides similar training.

142. Marion House, a non-profit NGO which was started in 1989 by the Roman Catholic Church and the National Children's Home (U.K.), also provides programmes in counselling for youths and other programmes geared towards developing youths who will behave responsibly. There is a Young Parenting Empowering Programme conducted at Marion House which has as its objective empowering parents to increase and develop their parenting skills. The components of the programme include child development, discipline and child abuse prevention, self-esteem, budgeting and nutrition, communication skills, family relationships, home management, adult education and backyard gardening.

143. VINSAVE was instrumental in the launching in 1997 of an organization called Parenting Partners. The organization is made up of persons who have been trained in parenting through the UWI distance education programme. Its members conduct parenting sessions with parent groups through PTAs, churches and community groups. Pre-school teachers at the VINSAVE child development training programme are exposed to parenting sessions as part of their course.

144. In general, the right of parents to guide their children is respected, although in practice parents and the extended community welcome intervention by concerned persons who in their official capacity intervene to provide timely warnings and guidance to children and young persons whom their parents or guardians cannot control. In certain circumstances, parents and guardians take children to respected officials such as police officers, magistrates or welfare officers and request that these officials "talk to the children" in cases where the parents or guardians feel that the children do not respect the authority of the parents or guardians.

B. Parental responsibilities (art. 18, paras. 1 and 2)

1. Parental responsibilities

145. The principle that both parents have common responsibility for the upbringing of their children is enshrined in the law as is the principle that parents have primary responsibility for the upbringing and development of the child.

146. These are separate but intrinsically connected principles. Common responsibility is expressed by the provision of the Law of Minors Act (cap. 169, sect. 4), which states that in relation to the custody or upbringing of the minor "a mother shall have the same rights and authority as the law allows to a father, and the rights and authority of mother and father shall be equal and exercisable by either without the other". It also provides that no agreement on the part of the mother or the father to give up rights or authority is enforceable if it is not for the benefit of the child. As discussed in chapter IV, section 2.1, the court regards the welfare of the minor as the first and paramount consideration.

147. The issue of the primary responsibility of parents for children is recognized by the law in that it is only after both parents have either died, abandoned their responsibility or been adjudged unworthy parents that the courts will step in. The court may then appoint a guardian, make a child a ward of the court or otherwise disregard the parental rights enshrined in law.

148. Under the Law of Minors Act, the High Court will not make an order for some person who has brought up a child at his own expense to deliver up the child to the parent unless the parent satisfies the court that, having regard to the welfare of the child, he is a fit person to have custody of the child (sect. 29). If it orders the minor to be given up to the parent, the court may further order that the parent shall reimburse the expenses of the person who brought up the child.

149. Even where the court makes an order under the Law of Minors Act appointing a person to be the sole guardian of a minor to the exclusion of his mother or father, the court is also entitled to make an order giving the mother or father access to the minor or requiring the mother or father to pay to the guardian for its maintenance (cap. 169, sect. 15).

150. The Law of Minors Act also states that in relation to the determination of custody and maintenance of children, "parent" is defined not only as a biological parent but as including any person at law liable to maintain, or entitled to custody of, a minor (sect. 32). This recognizes the cultural context of Saint Vincent and the Grenadines, where close relatives have often been in the role of natural parents. The law, however, does seek to establish the paternity of a child in order to be able to ensure that the father lives up to his parental responsibility.

151. The Maintenance Act (cap. 171) enables a woman who has a child by a man out of wedlock to seek a paternity order from the court in order to have him declared the father of her child (sect. 18). The Status of Children Act (cap. 180) also makes provision for the paternity of a child to be determined through blood tests and to have the High Court make a declaration of paternity where this is proved (sect. 10).

152. Under the Juveniles Act (cap. 168, sect. 8), a parent or other person legally liable to maintain a juvenile shall be deemed to have neglected him in a manner likely to cause injury to his health if, being able to do so, such parent or other person fails to provide adequate food, clothing, rest, medical aid or lodging for him. The Juveniles Act (cap. 168, sect. 11) also states that any police officer or authorized person, such as a probation officer, may bring before a juvenile court a juvenile in need of care or protection. The court has the power, if satisfied that the welfare of the juvenile so requires, to make an order committing him to the care of any fit person, whether a relative or not, who is willing to undertake to take care of him. The court may also make an order requiring his parent or guardian to enter into a recognizance to exercise proper care and guardianship and in addition to this may place the juvenile under the supervision of a probation officer for at least three years. As mentioned in chapter II, a juvenile is defined as a child under the age of 16 (sect. 2).

153. The Maintenance Act (cap. 171, sect. 3) places equal responsibility on a man, a married woman who has separate property and a single woman to provide reasonable maintenance for children under 16 and for children over 16 if they are by reason of mental or physical disability unable to maintain themselves. In addition, an obligation is also imposed upon a man who marries a woman having children under the age of 16 to maintain them until they have attained that age. If the child is over 14 the child himself can apply to the court for an order if any person liable to maintain him has failed to provide or make proper contribution towards his maintenance (cap. 171, sect. 4). This order for maintenance made by the court can be extended beyond the time when the child attains the age of 18 years, provided that the child is, or will be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not the child is also in gainful employment.

154. Despite the above, it must be noted that within this society and culture women are mainly responsible for parenting. It is recommended that there should be a more structured approach to parent education, which could take the form of a national programme which would be developed and implemented jointly by the Government and the private sector. In respect to this, a policy should be developed which would address the issue of parenting.

2. Government assistance in the care of children

155. Government assistance in the care of children is channelled through several ministries. The Social Welfare Department in the Ministry of Housing implements the Public Assistance Act and Public Assistance Regulations (cap. 231). The Ministry of Health provides curative and preventative health care to all categories of persons, as well as direct supplementary food relief to children as is discussed in chapter VII of this report. The Ministry of Education provides educational support through the management of primary, secondary and tertiary institutions. This ministry also provides subsidized school transportation, as well as other forms of support discussed in chapters VII and VIII.

156. In this section we will focus on the support provided by the Ministry of Housing through the Social Welfare Division through which a substantial portion of support to children is delivered. The Public Assistance Act defines "public assistance" as "the provision to poor and

needy persons of goods and services of any class or description approved by the Board and includes (but is not limited to) building materials and services, educational materials (including books) medical supplies and public utility infrastructure" (cap. 231, sect. 2).

157. The Public Assistance Board consists of 16 persons appointed by the Governor General and the term of office of the Board members is one year although members are eligible for reappointment. Under the law, the Board has an advisory role to the Governor General on matters related to public assistance and in practice decides on applications for public assistance. The law makes provision for the appointment of a Public Assistance Officer appointed by the Governor General who is responsible for the proper administration and application of moneys voted by the House of Assembly for public assistance. This Public Assistance Officer is responsible for submitting to District Committees the list of public assistance recipients resident in their districts and these district committees are not legally empowered to add to nor vary the list but only to make a report on it to the Public Assistance Officer. The Public Assistance Board is responsible for reviewing the list of persons on public assistance to assess whether their situation has improved and to add or remove persons from the list of those requiring public assistance.

158. In practice, applications are submitted to the Ministry of Housing and these applications are investigated. The public assistance provided which specifically relates to children amounts to a set sum of 60 dollars per child and should be provided on the basis of need. The Social Welfare Division makes the recommendation to give public assistance to a person based on several reasons, including abandonment of children, extreme poverty, if the father is in prison, if the father is dead, if there is a fire, if the persons are homeless, crippled, destitute, orphans, mentally ill or unemployed. At the end of 1998 there were 5,723 persons on public assistance.

159. Direct assistance to children includes the provision of school uniforms to students and two uniforms per class are distributed to each school. It also includes the payment of transportation for school children attending school and the purchasing of school textbooks. Assistance to the families includes providing building materials and supplies to families who need such assistance. It also includes the payment of rent for persons who cannot afford to pay their rent.

160. In addition to the above, the Social Welfare Division has childcare services which include lectures to schools and parent teacher's associations, counselling by probation officers in designated communities and visiting of schools. The fostering of children is managed by the Social Welfare Division, whilst the probation officers play an active role in conducting home studies on families proposing to adopt children. Probation officers also conduct home studies and report to the courts on juveniles or other social situations on which investigation is required in the process of dispensing justice or for any other reason. The Social Welfare Division has since 1997 organized the annual Child Abuse Prevention Month activities.

161. One major constraint facing the Government in its assistance in the care of children is the absence of any facility for the care and protection of children who are abandoned, abused or who require a temporary or permanent place of safety. The Liberty Lodge Training Centre, managed by the Ministry of Education, was not developed for this purpose and its limitations have already

been discussed. The St. Benedicts Children's Hospital, a private institution managed by the Catholic Church, is heavily utilized by the Social Welfare Division in placing children who cannot be left within their homes or who are found abandoned or need care. The Government pays for the care of the children sent there on the recommendation of the Division.

162. Government assistance in the care of children is also provided through the Family Court Act (1992). The Family Court was instituted in 1994 and, through this medium, families and children have more access to legal services which enable them to apply for maintenance for children. The Family Court is empowered to hear matters brought under the Maintenance Act, the Juveniles Act, the Immunization of Children's Act, the Law of Minors Act, Domestic Violence (Summary Proceedings) Act, the Education Act and sexual offences falling under the Criminal Code. Cases are heard in camera and the more informal nature of the court allows for more sensitivity in dealing with certain cases. Sittings of this court take place both in Kingstown, the capital, and in outlying rural areas, which provides greater access to its services, although these sittings are not on a daily basis in these outlying locations, nor in Kingstown.

163. A probation officer is always available for consultations at the court and the process of applying for and collection of maintenance payments has been improved. In most cases the Family Court seeks to encourage out of court settlement of disputes through counselling. The shortage of trained counsellors working with the Family Court does, however, present a serious limitation.

164. The challenges facing the Family Court include the need for support services to be put in place to make more effective orders in addressing certain situations; the need for more counsellors attached to the court; and the need for a remand facility for juveniles. There is also a need to examine the legislation which has to be administered by the Family Court to assess whether the mechanisms for enforcing such legislation can be improved. The Family Court was developed without an accompanying family law reform process. This process is still necessary in order to ensure that the possibilities presented by the Family Court can be fully exploited.

C. Separation from Parents (art. 9)

1. Provisions for Separation

165. Under the Domestic Violence and Matrimonial Proceedings Act (cap. 165, sect. 4), either party to a marriage may apply to the court for an order to prohibit the other spouse from occupying the matrimonial home, based on the spouse's acts of violence to the wife or children of the marriage. Under this order the offending spouse is separated from the children whom he may be abusing. The law specifically construes the term "parties to a marriage" to include references to a man and a woman who are living with each other in the same household as husband and wife.

166. There are other circumstances where a child can be legally separated from both parents when the court considers that it is in the best interests of the child. The Juveniles Act (cap. 168) provides for a magistrate to issue a warrant for any police officer to search any house for any juvenile or to remove any juvenile with or without search or to enter any house by force to *remove a juvenile who is being assaulted*, ill-treated or neglected in a manner likely to cause the

juvenile unnecessary suffering or if one of several offences outlined in the Criminal Code have been committed against the juvenile. These offences, as specified in the first schedule to the Juvenile Act, include a range of sexual offences such as rape, buggery, indecent assault, etc., as well as others such as choking, etc. Once the juvenile in these circumstances is removed, the law provides that he should be kept in a place of safety until he can be brought before the Magistrates Court (sect. 10).

167. The juvenile can also be brought before the Magistrates Court under the Juveniles Act by "an authorized person" (sect. 11). In both these circumstances, the court can consider the welfare of the juvenile and either commit him to the care of a fit person, whether a relative or not, who is willing to take care of him, or commit him to an approved school (sect. 12). In both these situations the juvenile would be separated from his parents.

168. Once the juvenile is removed from his parents' care in these circumstances and placed in the care of a fit person, the person to whose care the juvenile is committed will have the same rights and powers and is subject to the same liabilities in respect of the juvenile's maintenance as if he were his parent and the juvenile so committed shall continue in his care notwithstanding any claim by a parent or any other person (sect. 37).

169. At present in Saint Vincent and the Grenadines there is a serious constraint in that there is no "approved school" nor is there any place of safety. What the Social Welfare Division is forced to do on some occasions when confronted with this situation is to find foster homes for the children or to leave the children in the home where the abuse occurred until suitable fostering arrangements can be made.

170. The Criminal Code (cap. 124, sect. 143) provides that if a man is convicted of the offence of incest against a female under the age of 18, the court has the power to divest from him all authority or rights of guardianship over that female.

171. The Law of Minors Act (cap. 169, sect. 27) provides that, where the parent of a minor has abandoned or deserted a child and then later makes an application to the court to get that child back from the person in whose possession the child is, the court may refuse to return that child to the parent. In a case where the parents are before the court with respect to the issue of custody of their child, the court may, if it considers both of them unfit, entrust the care of the minor to an institution (sect. 13). Similarly, under the Maintenance Act (cap. 171, sect. 9) once a maintenance application is before the court, the court also has the power to make an order with respect to the legal custody of any child under the age of 18 and the court may give legal custody to a person other than a party to the marriage or a parent of the child. In this case the court will attempt to ensure that some or all of the parental rights and duties comprised in legal custody (other than the right to actual custody of the child) are retained by the party to the marriage who is not given the legal custody. These rights and duties will be exercised jointly with the person who is given legal custody. This is one of the few laws that specify the right of the parent to joint custody with someone who is not a parent. This would allow the parent to have continued access to the child.

172. In custody proceedings relating to divorce or judicial separation of parties to a marriage, the Matrimonial Causes Act (cap. 176, sect. 65) provides that, even if such divorce or judicial separation proceedings are dismissed, the court has the power to make the child a ward of the court. In addition, where the court does grant the divorce or judicial separation, it can make an order that either party to the marriage is unfit to have custody of the children of the family under 18. In these circumstances a child may be legally removed from the care and custody of a particular parent against the will of either the child or the parent.

173. The other set of circumstances where the child and the parents are separated sometimes against their will are those which flow from the consequences of the child's unlawful behaviour or unacceptable behaviour. Under the provisions of the Juveniles Act (cap. 168, sect. 24), when the child is convicted of a criminal offence he or she may be sentenced to be kept in a place of safety. Even before he or she is tried, bail may be refused, depending on the nature of the offence, and the child forced to remain in police custody.

2. Participation of interested parties in proceedings

174. Under the civil and criminal procedural rules of the laws of Saint Vincent and the Grenadines, cases which relate to the separation of a child from his or her parents would normally only include probation officers as interested parties. These persons would be there to guide the court with whatever information required in order to give effect to the principle that the paramount consideration is the best interest of the child. Apart from their participation, which is usually called upon by the courts, there is no other provision for interested parties to participate. In certain instances, such as in a custody application under the Law of Minors Act, (cap. 169, sect. 12), the minor may apply on his own.

3. Right of Access

175. The Law of Minors (cap. 169, sect. 15) provides that the court is entitled to make an order regarding the right of access to the minor of his father or mother in cases where it makes either the mother or father the sole guardian of the minor. There is no specific provision for allowing a parent or guardian the right of access while the child is at an approved school. It is recommended that the law be amended to allow for such visitation rights. Most provisions refer to the rights of the parents to determine the religious instruction of the child while he is in the custody of an approved school. The court may also make an order under the Law of Minors Act, on an application by a grandparent of the minor, requiring access to the minor to be given to the grandparent as the court thinks fit (sect. 24)

4. Information on the location of relatives separated from the child by the State

176. There is no legislative requirement that information be provided to the child on the location of a parent who is separated from a child by the State through detention, imprisonment, exile, etc. or vice versa. Neither is there any legal impediment to this information being conveyed to the child. There are, however, administrative procedures which would frustrate the child getting that information. It is normally the case that adult relatives of the child would be

able to acquire that information through diligent inquiry. In Saint Vincent and the Grenadines, the facilities for holding persons in detention are easily accessible and therefore normally persons are able to inquire as to the identity of those who are detained.

D. Family reunification (art. 10)

177. In Saint Vincent and the Grenadines the Immigration (Restriction) Act (cap. 78) is defined as an act to impose restrictions on immigration. That law establishes the process by which persons who do not belong to Saint Vincent and the Grenadines are allowed to enter and remain in the country. Persons who belong to Saint Vincent and the Grenadines are defined as citizens of Saint Vincent and the Grenadines and their wives and children, as well as Commonwealth citizens who have been domiciled in the country for at least seven years and their wives and children. The wife and children of such a person can enter once their identity is ascertained. All others are classed as prohibited immigrants but are allowed to seek a temporary permit to enter or may take up residence after applying for and being issued a residence permit.

178. There are no special provisions for family reunification. Children are entitled to leave the State at will once the necessary travel documents are in order. This includes the travel documents for the country they intend to visit. In the case of those children who have parents in the United States or Canada, the airlines with which they will travel usually will not honour their ticket or allow them to board the aircraft if they do not have a valid visa to enter those countries. The immigration authorities also request information on the documentation for the country which is the final destination. Persons who do not belong to Saint Vincent and the Grenadines are allowed to leave to return to their own country once their travel documents are in order. Such persons are also liable to be deported back to their own country in certain circumstances.

179. Where the custody of a child has been granted by the court to a person under the Law of Minors Act (cap. 169, sect. 22), the court may, while the order is in force, restrict the removal of the child from Saint Vincent and the Grenadines, even if it is for reunification with the family.

E. Recovery of maintenance for the child (art. 27, para. 4)

1. Legislative provisions

180. There are several legislative enactments which address the issue of maintenance of the child who is below the age of 18 years and some which enable the child to continue receiving maintenance payments even after the age of 18 years. This section describes the legislative measures in place to ensure that the child is maintained.

181. The Adoption Act (cap. 163). Instead of making an adoption order, the court may give custody of the child to the applicant for a period of up to two years. The court may make provision for the maintenance and education and supervision of the welfare of the child (sect. 14). If the child is born out of wedlock any court order whereby the father of the child has undertaken to make payments for the benefit of the child will cease once the child is adopted. However the father of the child will still be liable for any arrears (sect. 18). Once a child is adopted, all the rights and obligations of the parent or guardians of the child with respect to maintenance are vested in the adopter (sect. 17).

182. The Juvenile Act (cap. 168). If a Juvenile has been committed to an approved school or to the care of a fit person, the father, adopted father, stepfather, mother, adopted mother, stepmother or any person cohabiting with the mother of the juvenile is responsible for making a contribution to the maintenance of the juvenile (sect. 40). If an affiliation order for his maintenance is in force, the court can also order the payments to be made to the approved school or to the person in whose charge the court has placed the child (sect. 42).

183. The Law of Minors Act (cap. 169). This law provides that the court can make orders for custody and maintenance of a minor, who is defined as a person under the age of 18 years. In the case where custody is awarded to one parent, the other parent is still liable to maintain the child (sect. 12). If custody is awarded to a guardian, to the exclusion of either parent, then the parents can be ordered to pay maintenance to the guardian for the upkeep of the child. The maintenance orders made under this Act can be in effect until the child attains the age of 18 years, unless the minor is attending an educational institution or undergoing training for a trade (sect. 17). The court, in exercising its powers, should take into account the income, earning capacity, property and other financial resources of the parents, the financial needs and obligations of the parents, the financial needs of the minor and the physical or mental disability of the minor (sect. 18).

184. The Maintenance Act (cap. 171). This Act contains most of the provisions relating to the maintenance of children, born in or out of wedlock, and any child who has been treated as a child of the family of the person against whom an order is sought by reason of having been maintained by or living with that person. It establishes the separate responsibility of various categories of persons to maintain their children. These persons include men, married women and single women (sect. 3). It establishes the class of persons who may apply to the court for maintenance on behalf of a child and it also authorizes the court to make orders for financial provision based on the applications it receives. These payments may be made in a lump sum or periodically (sect. 5). It also establishes the factors which the court will take into account in determining the measure of maintenance and sets the age of 18 as the normal age limit for a child to receive maintenance, unless the child is attending an educational establishment after the age of 18 (sect. 7). The law provides for investigation to be made into the means of the parties to the proceedings and for a report to be submitted to the court. The provisions of this Act apply to a child born out of wedlock.

185. The Matrimonial Causes Act (cap. 176) establishes the manner in which financial relief and maintenance are granted to the children of the family during the marriage or consequent upon judicial separation or divorce. It establishes that no decree of divorce or nullity of marriage or decree of judicial separation shall be made unless satisfactory arrangements have been made for the welfare of all the children of the family. Welfare includes financial provision (sect. 64) for the children of the marriage or any child who has been treated by both the parties as a child of their family. The child is entitled to maintenance if he or she is under 16 or is attending some educational or training establishment. The Act also provides that where persons living in Saint Vincent and the Grenadines have been divorced overseas such persons may still apply under the laws of Saint Vincent and the Grenadines for maintenance to be made in respect of children of the family.

186. Under the Pensions Act (cap. 204), if a public officer becomes bankrupt, his children may be eligible to receive maintenance payments (sect.14) since his pension payments would be withheld from the bankrupt person. Similarly if a public officer dies on duty, his children would be entitled to receive pension payments until they reach the age of 18 years. The law states that this benefit would not be paid to more than six children of the deceased. Stepchildren, children born out of wedlock and adopted children can claim this benefit.

2. The enforcement of maintenance orders

187. The enforcement of maintenance orders is an area where some difficulty exists in implementing the laws made to further the interests and welfare of children. The legislative provisions which address the enforcement of maintenance orders and will be outlined below.

188. The Maintenance Orders (Reciprocal Enforcement) Act provides that where a maintenance order is made by a court in Saint Vincent and the Grenadines the order may be sent to a reciprocating country for enforcement. Problems relating to cost and difficulties in locating delinquent parents frustrate the intent of the legislation. It would be useful if a reciprocal agreement could be entered into with the United States of America and Canada since many delinquent parents from Saint Vincent and the Grenadines are living in those countries.

189. The Family Court Act establishes a court which provides the machinery for such payments to be collected and paid to the applicants once the orders have been made under the various Acts.

190. The difficulty with collecting maintenance is that often the fathers cannot be found or they claim to have many children for whom they are responsible. They often request the court to limit the amount of money they pay for each child. In other circumstances, the father claims to be unemployed and therefore resists the court's attempts to have him pay any monies on a regular basis.

191. The reality is that the economic situation of a particular person can present a realistic impediment to the recovery of maintenance. Often the father starts paying and then falls into arrears and has to be summoned before the court again. The Family Court only has two bailiffs, who have to cover all the overdue arrears claims in the country, as well as serve summonses for new claimants. This sometimes results in delay. The frustration caused by this ongoing exercise often leads to the abandonment of any quest for maintenance. The Family Court has in the past been known to order prison sentences for defaulting fathers who are seriously in arrears. The limitations of the Family Court have been addressed in section 2 above.

192. The Law of Minors Act (cap. 169, sect. 21). Under this Law, any person who has been ordered by the Court to make maintenance payments for a child must give notice of any change of address to the person in whose custody the child actually is or be liable for committing an offence. The orders for maintenance made under the Law of Minors Act are enforceable in the same manner as those maintenance payments made under the Maintenance Act.

193. The Maintenance Act also makes provision for the enforcement of orders made thereunder. The Law allows a woman who is pregnant or within 12 months after the birth of the child to apply for maintenance from the father. Once the maintenance order is made by the Family Court and there are seven days arrears, the court can issue a warrant against his property or send him to prison for non-payment. The court will not send him to prison if he can prove that the reasons for his failure to pay were neither wilful neglect nor refusal.

194. The Matrimonial Causes Act (cap. 176) addresses maintenance in relation to a marriage and provides that on the granting of a decree of divorce, nullity or judicial separation the High Court may make an order for sale of any property belonging to a party to the marriage to satisfy any order for maintenance payments to children made by the court (sect. 33). The High Court can also order that any party to the marriage should transfer property to any child of the family or to such person as may be specified in the order for the benefit of such a child (sect. 32). If the Court discovers that the party against whom a maintenance order is made transferred title to his property within three years of the maintenance order being made, intending to avoid paying maintenance, then the court can revoke the sale or gift of the property (sect. 47).

F. Children deprived of a family environment (art. 20)

195. Children are deprived of a family environment if they have been removed from or separated from the family in which they were reared. In such situations, the Social Welfare Division in the Ministry of Housing has the responsibility to address the needs of these children. Children are sometimes left at the office of the Social Welfare Division or at the public hospital or other places. These children then become the responsibility of the Social Welfare Division, which has to ensure that adequate placement is made for them.

196. The Social Welfare Division is seriously constrained by the lack of a government home for abandoned or abused children under the age of 18 years. Some of the provisions of the Juveniles Act, for example, cannot be effectively implemented because of the absence of a place of safety where juveniles can be housed. This is a particular difficulty since juveniles who are remanded sometimes have to be placed with adults in jail or kept in a police station waiting room, as the only place available.

197. The options available to the Social Welfare Division are either to place the children in foster care, put the children up for adoption or request placement for them at an institution such as the Saint Benedict's Children's Hospital or the Liberty Lodge Training Center. As alluded to earlier, these facilities are insufficient to meet the needs of children requiring alternative care. The result of this is that serious cases of abuse or neglect cannot always be addressed. Foster care thus offers the most practical arrangement.

198. At present in Saint Vincent and the Grenadines there is no legal framework for foster care. Children can be legally removed from the care of their parents or guardians under the provisions of the Juveniles Act, the Law of Minors Act (sect. 13 b) the Maintenance Act (sect. 9 (3)) or the Criminal Code (sect. 143), but, except in the case of the Juveniles Act, the laws mainly speak of granting the legal custody of the child to another legal guardian. If the child is abandoned or if there is no parent or guardian, for example because of death, then any person can apply to be the guardian of the minor under the Law of Minors Act (sect. 8).

199. The Juveniles Act empowers the Juvenile Court to have the juvenile committed to the care of any fit person, whether a relative or not (sect. 12). This would seem to give some basis for a fostering arrangement, however, the law goes on to state that the person to whose care a juvenile is committed by an order made under this Act shall, while the order is in force, have the same rights and powers, and be subject to the same liabilities, in respect of the juvenile's maintenance as if he were his parent, and the juvenile so committed shall continue in his care notwithstanding any claim by a parent or other person (sect. 37).

200. This clearly envisages a more binding arrangement than the concept of fostering, which in practice includes only some of the parental rights and hinges on what may turn out to be a temporary arrangement for reward or of a voluntary nature. This Act also speaks of committing a juvenile to "a place of safety", which is defined as any place appointed by the Governor General under the Act. By "place of safety" is envisaged some type of formal institution.

201. Given the importance of fostering as one of the options available to those authorities in charge of making alternative arrangements for the care and protection of children separated from their parents, the issue of the legal basis of fostering and any concomitant rights and responsibilities attached thereto needs to be thoroughly examined.

202. The Social Welfare Division seeks to add to its pool of foster parents on an ongoing basis. Foster parents are paid $150 per month, per child. This is seen as an incentive to some persons to become involved in fostering; the Social Welfare Division has to screen such families in order to ensure that the most suitable families are selected. The criteria for selecting such a family is dependent on the judgement of the social welfare officers. There are no written administrative criteria for selecting foster families, nor are there written administrative guidelines for foster parents to be monitored when they are fostering children.

203. The Social Welfare Division makes checks at schools and visits the homes where the children are being fostered in order to ensure that adequate care is being provided to the children. The need to make such checks places some strain on the limited number of probation officers in the system, as these six officers have a wide range of other responsibilities to cover. There also have been in recent times other constraints. Some children, particularly those at a very young age who are victims of sexual abuse, have been found to be HIV positive. It is recommended that the issue of the fostering of HIV positive children be seriously addressed as an issue requiring urgent attention. Others, such as teenagers or adolescents, have been highly exposed and have been exhibiting inappropriate sexual behaviour for their age. Finding foster care for these children has reportedly been difficult.

204. Nonetheless, the Social Welfare Division has been managing to do commendable work in this area, given the resource constraints. This has involved encouraging members of the public to undertake voluntary fostering, as well as ensuring that as many urgent cases as possible receive attention. Through the public assistance programme, foster parents receive additional resources for the child, such as transportation money, schoolbooks, uniforms and other available forms of assistance.

205. The Social Welfare Division makes counselling available to those foster parents who need this service for the children in their care. It works closely with Marion House to provide additional counselling. The Social Welfare Division also offers training in parenting skills for foster parents or persons interested in fostering.

G. Adoption (art. 21)

1. Authorization by the competent authorities

206. In the area of adoption, the laws and practice of Saint Vincent and the Grenadines are well within the requirements of the Convention. The legal framework for adoption is laid down by the Adoptions Act (cap. 163).

207. The law establishes an Adoption Board which is constituted of seven members, three of whom shall be district magistrates and four persons appointed by the Governor General (sect. 3) and whose term of office is for two years. The law does not speak of automatic renewal of this appointment, but it does enable it to be revoked before the completion of the term. At present the Board is functioning with four members. These are the Social Welfare Officer, who acts as Secretary, the Senior Magistrate, a retired Chief of Police and a fourth person. This Board is responsible for "doing such things and making such investigations concerning the adoption of children for the consideration of the Court" and for receiving applications from parents, guardians and adopters (sect. 5).

208. The Board is responsible for interviewing parents who wish to put their child up for adoption to ensure that they fully understand the effect of making an adoption order in respect of their child. The parent or guardian is required to sign a memorandum verifying that they understand the effect of adoption (sect. 8). In some cases the child is removed from the parent for a temporary period in order to grant the parent an opportunity to consider the decision.

209. The Board is also responsible for ensuring that the necessary investigation of the child and the proposed adopter is carried out. The law mandates that for every proposed adoption a case committee should consider the case and that no child should be delivered until the adopter has been interviewed by the case committee or some person on its behalf (sect. 8). In the case of both the child and the prospective adopter, a medical report is mandatory. The Social Welfare Officer first decides if the child is fit for adoption after the parent proposes to offer the child up. Where possible, the premises where it is intended that the child will reside are inspected.

210. Only the Board can make arrangements for the adoption of a child and any persons other than the Board who take part in arranging an adoption are guilty of an offence and can be fined $8,000.

211. A person is deemed to make arrangements for the adoption of a child if he, "not being the parent or guardian enters into or makes any arrangement for, or for facilitating, the adoption of the child by any other person, whether the adoption is effected or is intended to be effected ... or if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of an agreement or the making of an arrangement therefor" (sect. 4). This stringent restriction

seeks to ensure that no unauthorized person is involved in the process. However, it may discourage well-meaning persons who are interested in the welfare of children and who might know of interested or prospective adopters.

212. It might be useful to revisit this provision given the problems facing children in the State. As article 20 of the Convention states, inter-country adoption may be considered an alternative means of childcare. If the procedures for even finding prospective adopters are punitive then it might work against the best interest of children. This, of course has to be balanced against the aspect of the Convention which seeks to restrain any improper financial gain which may result from adoptions.

213. After the process of investigation is completed and the Adoptions Board has approved the adoption, the file is sent to the Registry for the legal application before the High Court to be made. The High Court is guided by several principles. Firstly, that the paramount consideration is that the adoption should be in the best interests of the child. Secondly, that the parent consents to and understands the effects of adoption and, thirdly, that no person has agreed to receive payment or consideration for the adoption (sect. 16).

2. Intercountry adoptions

214. The majority of children are adopted by relatives who wish to take them abroad. The Adoption Act specifically grants the right to persons not resident in Saint Vincent and the Grenadines to adopt a child. The applicant does not have to be a Vincentian citizen. He or she is required to produce evidence relating to his or her means and any other matter relating to the safety, interests and welfare of the child (sect. 12). If the Board is satisfied that the adoption is for the welfare of the child it will allow the applicant to proceed with the adoption. The law even provides that, in the case of the adoption of a child by a person from overseas, the court may make such exceptions and dispense with such requirements or formalities as it deems fit, if it is satisfied that the proposed adoption for transfer abroad is for the welfare of the child and that under the circumstances an expeditious disposal of the matter is called for (sect. 12).

H. Illicit transfer and non-return (art. 11)

215. Existing legislation provides some protection against kidnapping of children. The Criminal Code (cap. 124, sect. 199) prohibits the forceful compulsion of any person to go from any place. Kidnapping is also an offence under the Act and is defined as stealing and carrying away any person without his or her consent or the consent of some person legally authorized to consent on behalf of that person. This means that if a child is removed without his or her parents' consent, that is kidnapping (sect. 200). There is also the offence of child abducting, which is stealing a child under the age of 14 years (sect. 204).

216. Saint Vincent and the Grenadines has not ratified the Hague Convention on the Civil Aspects of International Child Abduction. This remains to be done in order for local legislation to give effect to its provisions.

I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

1. Legislative measures against child abuse

217. Abusive behaviour towards children is prohibited by various legislative enactments under the laws of Saint Vincent and the Grenadines, however in no act or legislation is child abuse clearly defined. The existing legislation is outlined below.

218. The Juveniles Act (sect. 8) makes it an offence to wilfully assault, ill-treat, neglect, abandon or expose a juvenile in any manner likely to cause that juvenile unnecessary suffering or injury to health. Neglect is defined as failure to provide food, clothing, rest, medical aid or lodging. Neglect is also involved in those cases where a child under the age of three suffocates by disease or choking while the child is in bed asleep with someone who was under the influence of drink or drugs. It also includes giving or selling to any child under the age of 10 any intoxicating liquor and leaving a child 7 years or younger alone in a room or yard containing a stove or fireplace which injures or kills the child. Under this Act, the parent, teacher or any person having control of the juvenile is entitled to administer punishment to him or her, as long as it is reasonable.

219. The Domestic Violence (Summary Proceedings) Act, 1995 empowers the Family Court to make an occupation order prohibiting any party who has abused any child of the family from continuing to reside in the matrimonial home or any part thereof.

220. The Criminal Code prohibits killing an unborn child (sect. 171); infanticide (sect. 164); failing to supply the necessities of life to a dependent, including a child (sect. 197); abandoning or exposing a child under two (sect. 198); intercourse with a girl under 13 (sect. 124); intercourse with a girl under 15 (sect. 125); incest by a man (sect. 142); incest by a woman (sect. 144); indecency with a child (sect. 128); and rape (sect. 123). In addition, there are other offences which could be committed against children, as well as the general population, such as wounding and murder.

2. Administrative measures for the enforcement of provisions against child abuse

221. The Social Welfare Division of the Ministry of Housing is charged with the task of responding to all reports of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse of any child. The role of the Social Welfare Division has been discussed earlier in this chapter; however, its administrative responses to reports of abuse will be highlighted here. These responses include home visits, referrals to other agencies, counselling and preparation of investigative reports for the courts.

222. The Social Welfare Division can refer the matter to the police for action at the Family Court level. The limitations and constraints faced by the Family Court have been discussed in chapter VI, section 2.2. There are also cases sent by the police to the Social Welfare Division for investigation. The relationship between the Social Welfare Division and the police is critical to the investigation and pursuance of cases of child abuse.

223. The Social Welfare Division is legally empowered under the Juveniles Act (cap. 168, sect. 11) to bring before a juvenile court any juvenile in need of care or protection. However, it is not empowered to seek a warrant to remove any juvenile without search to a place of safety or to search for any juvenile. Only a police officer may carry out these acts (sect. 10). There is a need to review this aspect of the law to examine whether the Social Welfare Division should not be given some wider legal authority. Such authority would include the right to present and prosecute cases in the courts, as well as the power to remove a child from a parent in an emergency situation where the child's life or well-being is in jeopardy. Consideration, in the interim, should be given to measures which can be put in place to reduce the length of time taken for a court order to be made with respect to a child.

224. The Social Welfare Division has sought to strengthen its relationship with the Police Department. The Division is involved in a limited way in the training of police recruits. However, there may be a need for refresher courses for police officers or specialized training for those already on the job in order to sensitize them to the issues related to child abuse. There may also be a need for a person trained in social work to be located within the police force in order to address situations which often crop up in relation to child abuse. There is also a need to consider making the reporting of child abuse mandatory by medical practitioners, school authorities and other agencies. This could assist in the documentation of cases of child abuse. The Social Welfare Division has established a child abuse register which should also improve documentation.

225. Counselling is carried out both at the main office of the Social Welfare Division in Kingstown and in outreach sessions in the rural areas. The Ministry of Health also provides a social worker who does counselling at the Kingstown General Hospital, where many child abuse cases are referred for treatment. At the Family Court, a probation officer is always available to provide counselling to clients, but the Family Court has recognized the need for more trained counsellors. There is also a need for further training in this and other areas of social work for probation officers within the Social Welfare Division.

226. Once a case is before the court investigative reports or home studies are conducted by the probation officers when requested by the High Court, the Family Court or any of the magistrates' courts. The need for strengthening the support system available to families and victims of abuse who must face the public and media attention has also been recognized.

3. Social and educational measures against child abuse

227. The available statistics indicate that since 1993 over 200 cases of child abuse, including sexual abuse, physical abuse, neglect and abandonment, have been reported. Given that many such cases go unreported, one can only surmise at the real extent of the problem. In the Criminal Assizes at the October 1998 session and at the January 1999 session almost half the cases before the High Court were for sexual offences, many of them involving minors as young as six years old who had been sexually abused.

228. The increasing number of street children, i.e. those who live and survive on their own, particularly in the urban area of Kingstown, is a growing phenomenon. These children, most of whom are boys, are the subject of neglect, physical abuse and sexual abuse. There is no programme in place to deal with their needs.

229. The activities during Child Abuse Prevention Month serve to highlight some of the issues and to provide some education to the public on the rights of the child and the measures that should be taken to prevent child abuse. However, social workers involved in these types of cases have indicated that the problem is also caused by deeper issues relating to changing value systems in the society whereby money and access to material comforts are seen as justifiable reasons for encouraging children to become involved in abusive behaviour with adults. Some parents have allowed their children, particularly adolescent girls, to offer sexual favours to male adults for payment or other reward in order to improve the economic situation of the family. These parents or guardians have sometimes arranged these liaisons themselves. On the other hand, some adolescents seek out or become involved in these relationships independently of their parents' consent. The economic deprivation in which many families in Saint Vincent and the Grenadines find themselves has reinforced the tendency to look the other way.

230. The Women's Affairs Department carries out educational programmes in schools and communities related to the issue of child abuse. Marion House and the Saint Vincent and the Grenadines Human Rights Association are two non-governmental agencies that have conducted educational programmes on child abuse using various media. The Convention on the Rights of the Child Committee has also done work in this area. In addition, churches, pre-schools, schools and other institutions sometimes organize talks which provide information to students and parents on child abuse. A Juvenile Youth Commission was established in 1995 and some 20 counsellors were trained. This commission has since become dormant, although the need for such a programme still remains important.

231. Despite all these efforts, much more remains to be done in order to make an inroad into the problem of child abuse and to reverse existing trends.

232. The Social Welfare Division, the Ministry of Health, through its outreach at clinics and hospitals, and the Police Department are regularly confronted with incidents of child abuse. In addition, other cases are discovered by school principals in schools and by other non-governmental service agencies which have direct contact with children. A coordinated approach to child abuse education and an administrative response which goes beyond the activities of the Child Abuse Prevention Month needs to be developed by all parties concerned. There should be a comprehensive review of the responses to child abuse which should lead to a 5- to 10-year action plan for reducing the incidence of child abuse and neglect. This review should take on board an examination of the effectiveness of all the other aspects of childcare, including fostering, adoption and institutional care. This is recommended as a task for the Convention on the Rights of the Child Committee, having as it does representatives from all these interested agencies and ministries.

J. Periodic review of placement (art. 25)

233. The Laws of Saint Vincent and the Grenadines provide for periodic review of children who have been placed in the custody of any person, including a parent or a "fit person", and the court is entitled to vary the order at any time on its own motion or on the application of any person. In addition, the Juveniles Act (cap. 168) provides for the court to make an order placing a child who is in need of care and protection in the custody of a fit person or of his parent. The court may also place him or her under the supervision of a probation officer for up to three years (sect. 12). During this time, the probation officer is obliged to visit, advise and befriend the juvenile and at any time the juvenile can be brought before the court for his or her situation to be reviewed (sect. 20). Apart from that, there is provision for the court to make an interim order for 30 days and it can continue making the interim order for a total of 90 days.

234. Whilst the legislation provides for the court to make an order to send a juvenile to an approved school for specified periods, it makes no provision for periodic review of such placement. However, within the Approved School Rules, drawn up subsidiary to the Juveniles Act, rule 29 provides for periodic review of a juvenile's progress to enable the juvenile to be placed out on licence.

235. A child who is confined for treatment of his or her mental health in the mental health hospital is subject to periodic review of his or her progress.

236. The Matrimonial Causes Act, the Law of Minors Act and the Maintenance Act also contain provisions enabling the courts to place a child in the custody of a person who may or may not be the parent. All these Acts make provisions for the courts to vary or revoke the orders on application or by the court's own motion. This would enable periodic review of the situation of the child to take place.

K. Physical and psychological recovery and social reintegration

237. Children in Saint Vincent and the Grenadines have not been exposed to armed conflict. There have been some allegations of persons being exposed to police brutality which could have amounted to cruel or degrading forms of punishment, but no data exists to support these allegations.

L. Concluding comments

238. The issues raised in this section present a great deal of concern to the authorities and agencies seeking to promote the healthy development of children in the State of Saint Vincent and the Grenadines. The main priorities for action that have been identified are the need for legislative reform to harmonize the existing laws and address the gaps identified. Another priority should be the strengthening of documentation, particularly data collection, on all issues relating to children which are addressed in this chapter.

239. It is recommended that there be developed a coordinated approach to child abuse education and the administration of alternative care, since there are overlapping responsibilities between the courts, the Social Welfare Division, the police and the health authorities. A comprehensive review of the responses to child abuse and neglect should examine the effectiveness of all the other aspects of childcare, including fostering, adoption and institutional care, and should lead to a 5- to 10-year action plan to address the problem. This is recommended as a task for the Committee on the Rights of the Child, having as it does representatives from all the interested agencies and ministries.

240. In addition to the above, some specific recommendations are being made, including:

The establishment of a residential facility for adolescent girls at risk; the continued development of juvenile delinquency prevention programmes is also recommended;

The fostering of HIV positive children should be seriously addressed as an issue requiring urgent attention;

The provision of more bailiffs to the Family Court in order to improve the effectiveness of the enforcement of maintenance orders;

The amendment of the Maintenance Act and the Family Court Act to allow the court to attach salaries of persons who are ordered to pay maintenance;

The establishment of a half-way house for displaced or abandoned children;

The restructuring of the Social Services Division to focus separately on family services and probation services;

The revision of the Adoption Act and the existing administrative arrangements for adoptions, to ensure that the provisions of the Convention are being met;

The revival of the Juvenile Youth Commission.

241. As part of its annual recurrent expenditure, the Government provides a subvention to support the work of the Association of Social Workers. This is a non-governmental body made up of persons employed in the field of social work and it addresses issues pertinent to the strengthening of the quality of social work in the State. The Government also provides a small subvention of $8,000 to the St. Benedicts Children's Hospital under its recurrent health expenditure.

VII. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

242. The programmes and policies of the Government in the areas of health, education and social welfare, as discussed in this report, are all geared towards ensuring, to the maximum

extent possible, the survival and development of the child. It is hoped that the services available for child development will improve in order for more children in the State of Saint Vincent and the Grenadines to survive.

243. The expenditure of the Government on health care for the past five years has averaged approximately 14 per cent of the total recurrent expenditure and is second to education in the context of the entire social sector spending. Emphasis has been placed on reducing the rate of child mortality and this has been accomplished through immunization programmes, an ongoing education programme for mothers on nutrition and childcare, and the range of health-care services available at the Kingstown General Hospital and the health centres located in the rural areas.

244. The Government also seeks to support the work of NGOs which contribute to the welfare and survival of children by providing them with financial and other assistance where possible.

B. Disabled children (art. 23)

1. Services for children with a disability

245. Whilst there is no legal framework or policy which specifically addresses the needs of persons with physical disability, the Mental Health Act (cap. 228) provides for the management of persons with mental health problems. In this Act, however, there is no focus on the special needs of children with mental disabilities. The limitation of the mental health services for children is recognized by the Ministry of Health. World Mental Health Day in 1997 was observed under the theme "Your child has mental needs too" and radio and television programmes were conducted to observe the day.

246. The need for attention to be paid to the mental health of children is further underscored by the fact that drug related admission to the Mental Health Hospital has been the major reason for over 40 per cent of the total admissions for the period 1993-1997 although it had declined from 70 per cent in 1991. The young male continues to be the predominant victim. A knowledge, attitude and practice survey carried out among a student population by CAREC in 1993, revealed that 86 per cent of them had used alcohol, 12 per cent had used marijuana and 1.2 per cent of them had experimented with cocaine.[1]

247. The response of the Government of Saint Vincent and the Grenadines to children with disabilities has been to seek to provide educational opportunities for them, as well as to provide health-care services free of charge. There are at present three full-time institutions in the country for children with special needs. They are located at Georgetown, Bequia and Kingstown. There is also a pre-school located on the Leeward side of the island at Questelles which integrates training for the handicapped with its regular children. These schools for children with special needs are administered by the Ministry of Education, with the exception of the pre-school at Questelles, which is a private institution.

248. As at September 1997, 108 children were attending the three government-run schools for children with special needs. The Government provided EC$ 429,651 for the maintenance and management of these schools in 1997 and approved EC$ 502,137 for the maintenance and management of these schools in the 1998 budget estimates. The actual spending on education in 1996 was EC$ 34,394,680 and the estimates for 1997 and 1998 were EC$ 39,462,870 and EC$ 42,372,951 respectively. In effect, the spending on the education of children with special needs amounts to a little over 1 per cent of the total spending on education. There needs to be an assessment or survey of children with disabilities in order to make a case for more government spending to be allocated to meeting their needs in education and other areas. The establishment of a national register of children with disabilities should be undertaken.

249. The schools for children with special needs cater for children in seven disability groups: mentally retarded, physically handicapped, hearing impaired, emotionally disturbed, learning disabled, speech disabled and multiply handicapped. The schools introduce the children to some technical and vocational skills in keeping with their capacity to learn. It is hoped that the skills will contribute to the children becoming more independent in the future. However, there should be more linkages created with the private sector to enable disabled children to be placed in some employment suitable for their skills.

250. There are a number of children whose educational needs cannot be met by the School for Children with Special Needs. These include children with such serious retardation or physical disabilities that they require nursing care of some sort. The School for Children with Special Needs is a day-care and not a residential facility. However, whilst it does not make provision for a health-care professional to be on-site to meet the health needs of the children who attend the facilities the school has fully incorporated a health-care component in its programme. All students must be fully immunized and follow a regimen of regular check-ups.

251. Despite those constraints, there are some positive signs that the situation of children with disabilities is improving. The management and staff of the School for Children with Special Needs is supported from time to time by private organizations in special fund-raising activities to improve the services that it offers. The health-care needs of those disabled children at the school and those who are not able to attend the facility are attended to by the health professionals in the community health-care programme and this service is free of cost.

252. Health-care professionals working with the Ministry of Health make regular visits to homes where there are disabled persons, provide them with medical check-ups and give ongoing advice to the persons responsible for caring for such persons. In the past the Ministry of Health has provided the service of a professional trained in physiotherapy and occupational therapy to improve the rehabilitation of disabled children. The Ministry of Education provides training opportunities for special education teachers who are to serve in the schools for special needs, but there is the need for the teachers at the Teacher Training College to be trained to recognize when children have learning disabilities. The Ministry of Education has developed a new curriculum which includes training for pre-school teachers in identifying children with disabilities. The pre-school teachers, who are trained by the VINSAVE child development centre, are sensitized in this respect and pursue a course in special education.

253. There needs to be more attention paid to providing training activities either within the Ministry of Education or the Ministry of Health to parents or care givers who are responsible for disabled children. There is also a need for an ongoing public awareness and public education programme to sensitize members of the public on the emotional and physical needs of children with disabilities, as well as on the contributions that they can make to society.

254. The Government should also ensure that adequate provision is made to facilitate the mobility of disabled children in the State. There are at present no laws requiring that access ramps and infrastructure be provided for disabled persons in public buildings. There is also a need for more public awareness on the possible causes of certain disabilities.

255. There still exists a tendency on the part of members of the public to shun persons with disabilities or for the families of disabled children to feel ashamed or embarrassed. Given the lack of facilities for such children, focus is needed on strengthening the home and community environment. The issues relating to disability of children need to be addressed and fully incorporated in the framework of legislation to better specify the rights and promote the opportunities of persons with disabilities.

256. In relation to the work of non-governmental organizations, the Society of the Blind is an NGO which is instrumental in assisting visually impaired persons to adjust to life without sight. Another NGO, the Association for People with Disabilities, was formed in 1997 to respond to some of the needs of disabled persons who are not able to attend educational institutions. The Association operates a centre which provides support to persons who care for disabled persons at home. VINSAVE also offers day-care facilities and services for young disabled children and their parents.

C. Health and health services (art. 24)

257. Health care in Saint Vincent and the Grenadines is managed by the Ministry of Health and the Environment. The Ministry administers one public hospital (the Kingstown General Hospital), 38 health centres, 5 district/rural hospitals and one mental health facility. The location throughout the country of these services attempts to ensure that a health facility is available to the user within a two-mile radius. The health-care system, which is divided into nine health districts, is implemented at two levels, namely, primary care, which is concerned with prevention and promotion, and secondary/tertiary care, which is concerned with curative and rehabilitative services. Emphasis is placed on primary health care. The five district hospitals provide a total of 67 beds and 17 cots in the rural areas. The three major health problems affecting children in 1997 were acute respiratory infections, influenza and gastroenteritis.

1. Infant and child mortality

258. The available health data from the Ministry of Health and the Environment show that the infant mortality rate declined from 14.1 in 1990 to 9.7 in 1993. It rose to 18.6 in 1997. Maternal mortality remains low. The 1997 data recorded one death for that year.[2]

2. Primary health care

259. Primary health care for children is provided mainly through activities in the child health programmes. These programmes are delivered by the Ministry of Health and the Environment through its Community Nursing Service, which is commissioned to provide the highest quality primary, secondary and rehabilitative care services to individuals, families and communities, utilizing the team approach. They include the immunization programme. At present Saint Vincent and the Grenadines has a 100 per cent immunization coverage for DPT, Polio and MMR and 98 per cent for BCG.[3] In 1997 the 18-month booster for DPT and Polio was reintroduced to maintain high immunity. Under the Immunization of Children Act, immunization of all children attending primary school is mandatory.

260. The Community Nursing Service also offers a School Health Service, run by family nurse practitioners and district medical officers, which provides health care to children in schools. A total of 8,648 schoolchildren were examined in 1997 and no evidence of malnutrition was recorded. The main health problems were dental caries, impacted Cerumen, Tinea, skin infections, and Anaemia. This figure represents an increase of 41 per cent in the number of pre- and primary schoolchildren examined; 2,327 were seen in 1996.

261. As part of the School Health Service, mental health education programmes are conducted in selected schools and the projection is for these to continue. The Ministry of Health plans to increase the provision of school health services to 70 per cent of schoolchildren aged 5 to 12 years and 50 per cent of schoolchildren aged 13 to 15 years.

3. Nutrition and health education

262. Health Education is coordinated by the Health Education Unit of the Ministry of Health and the Environment. The Unit conducts various activities geared to promoting healthy lifestyles among youth. In this respect, in 1997 it organized youth rallies and established youth guidance centres in the country to provide information to young people on family planning, growth and development and other issues.

263. Through the Health Education Unit, family life education is made available to adolescents. The training includes parent education training in the areas of human sexuality, family relationships, drug abuse, child abuse and sexually transmitted diseases/AIDS/HIV. This outreach programme, which is targeted at women's groups, PTAs, church groups and youth groups is also geared towards assisting parents in relating to and dealing with their children.

264. In the area of nutrition, the Ministry of Health and the Environment seeks to decrease the incidence of protein energy malnutrition among children less than five years old. The nutritional status of children aged 0-59 months showed, in 1998, a downward trend for malnutrition but a gradual increase in the number of obese children. There was a decline in the rate of malnutrition in this age group from 7.4 per cent in 1992 to 6.3 per cent in 1994.[4]

265. The Ministry of Health and the Environment conducts a nutrition support programme to improve the nutritional status of vulnerable groups through the provision of supplementary food baskets and other nutritional supplements. The Ministry of Health had been administering a programme financed by the World Food Programme. However, once the World Food Programme discontinued its support the Ministry continued to provide the nutritional supplement.

266. Under the nutrition support programme, in 1998, 6,633 children at the primary level and 1,372 children at the pre-primary level were provided supplements. The expenditure in 1996 on the nutrition support programme by the Ministry of Health and the Environment was EC$ 208,095. For 1997 and 1998 the estimates were EC$ 494,998 and EC$ 503,576 respectively.[5] Concern has been expressed over the high salt and fat content of some of the meat products supplied and a pilot project using soya products has been undertaken in 15 schools.[6] It is recommended that the school feeding programme be extended to all primary schools in the State.

267. The nutrition support programme will continue to coordinate with the Ministry of Education, which is also conducting the school feeding programme. In 1996 EC$ 372,536 was spent on the school feeding programme. In 1997, the amount increased to EC$ 823,870. The figure estimated for 1998 and 1999 is EC$ 825,000.[7]

268. The Health Education Unit also conducts group sessions, supported by food demonstrations and literature on maternal, infant and child nutrition emphasizing iron-rich weaning foods. These are conducted at antenatal clinics and with the PTAs of pre-schools. Fact sheets on maternal and child nutrition are printed and 10 weaning recipes were produced in 1998.

269. In order to monitor food and nutritional status and feeding practices in children under five the Ministry intends to collect data on obesity and malnourishment in children, whether they are breastfed or receiving other nutrition.

270. Breastfeeding of infants from birth to the age of six months continues to be promoted, with preference being given to exclusive breastfeeding in the first three months of an infant's life. Exclusive breastfeeding of infants up to the age of three months rose from 38.8 per cent in 1993 to 44.9 per cent in 1994. The Ministry of Health has as its target the reduction by 50 per cent of the prevalence of obesity, under nutrition and anaemia in children from birth to five years of age by the year 2002.

271. In the area of nutrition, the Government also seeks to collaborate with and support the work of the Salvation Army, a church organization which runs a kitchen feeding programme for schoolchildren, as well as a day-care facility for children. The Salvation Army is supported by the public through donations at its Annual Christmas Appeal and it has also received a government subvention to support its activities. In 1997, this subvention amounted to EC$ 22,000. Other non-governmental organizations which provide nutrition to children are the Roman Catholic Church through its soup kitchen and the YWCA through its feeding programme.

4. Prenatal and post-natal health care

272. Prenatal and post-natal care is offered as part of the Community Nursing Service. At its clinics patients are screened for VDRL and encouraged to be tested for HIV. The antenatal clinics monitor the nutrition of the mother and seek to identify any emerging problems with the pregnancy. At the post-natal clinics patients are also tested for cervical cancer through Pap smears, in order to detect cases for early treatment.

273. As a result of the growing incidence of AIDS/HIV in the country, the Ministry of Health and the Environment is seeking to control the mother-to-child transmission of the virus. In 1998, it instituted a programme whereby mothers who are pregnant are tested for the virus with their consent and those mothers who are HIV positive are given free drugs to attempt to counteract the effect of the virus on the child. This is supported also by a follow-up programme in the post-natal period to provide economic assistance to the HIV positive mother, who should not breastfeed.

274. Of concern to the authorities is the continuing trend for teenage pregnancies to be on the increase. In the period 1991-1995, births to mothers between the ages of 10 and 19 accounted for approximately 20 per cent of all births.[8] The Ministry of Health considers that continuing programmes targeting this age group is imperative. Although teenage pregnancies are considered by the Ministry to fall within the high risk area, there have not been any incidents of maternal deaths arising therefrom. Contraceptives are provided to mothers on request when they attend post-natal clinics.

5. Environmental health

275. The Ministry of Health, through its Environmental Health Division, is responsible for the implementation of the Public Health Act, which addresses all aspects of public health. It is therefore responsible for the disposal of solid and liquid waste, as well as the general control of pollution and some aspects of communicable diseases. The disposal of solid waste is now the focus of a solid waste management project which is charged with seeking solutions for the ongoing problem of solid waste management.

276. The Central Water and Sewerage Authority (CWSA), a statutory body established by the Government of Saint Vincent and the Grenadines which falls under the Ministry of Health and the Environment is responsible for providing potable water to homes in Saint Vincent and the Grenadines. The Ministry of Health, through its environmental health officers, conducts testing to ensure that water quality is satisfactory. Ninety-five per cent of the tests conducted in 1997 were satisfactory.

277. Drinking water is accessible to most homes in Saint Vincent and the Grenadines through the services of the CWSA. Eighty-eight per cent of households in the State have access to clean potable water either piped directly into their homes or provided from public standpipes. Thirty-three per cent of the population have access to a water closet (WC) connected to sewer mains, cesspit or septic tank and 62 per cent use a pit latrine.[9]

278. Of concern, however is the condition of toilet facilities in schools. There is the need for close collaboration between the Ministry of Education and the Ministry of Health to ensure that these facilities are properly maintained in order to avoid the spread of infectious diseases.

6. Family planning education and services

279. In Saint Vincent and the Grenadines, family planning education and services are provided by the Ministry of Health and the Environment, the Ministry of Education and the Saint Vincent and the Grenadines Planned Parenthood Association (SVGPPA), an NGO whose programmes are exclusively geared towards this area.

280. The Ministry of Health provides family planning education and services through its family planning programme. This programme supplies contraceptives for distribution to all clinics and health centres. It also provides testing services for prostate/cervical cancer, as well as educational services to adolescents and youths.

281. In providing family life education training to young people, the programme seeks to target out-of-school youths and assists them with skills training as well. The public education programme includes the production of radio and television programmes, as well as the printing and dissemination of educational materials to the public. Promotional activity has included the production of banners, billboards, T-shirts, posters and videos on specific themes such as AIDS and child abuse. The Unit seeks to identify specific high-risk periods, such as Carnival, to promote messages relating to AIDS or teenage pregnancy.

282. In addition to the above, the Ministry conducts an HIV/STD/AIDS prevention programme, which includes activities targeting schoolchildren and adolescents. The incidence of HIV infection has become an increasing concern in the country. There is an HIV incidence rate of 53.8, AIDS 26.01 and a fatality ratio of 110.34 in 1997. The first AIDS case was recorded in Saint Vincent and the Grenadines in 1984. By 1997, one hundred and eighty-eight (303) persons had tested positive for HIV, there were 133 AIDS patients and 132 persons had died of AIDS. Males are mainly affected and the deaths occur in the 20-35 age group. AIDS/HIV ranked fifth in the list of the top 10 communicable diseases which affected the population in 1997.[10]

283. The SVGPPA provides information and education on AIDS and STDs. It also provides family planning and family life education and counselling services to young people. It provides contraceptives and related services through its community-based programmes and its family planning clinic. As part of its outreach programme, the SVGPPA provides counselling to students in primary and secondary schools and the Teachers Training College. It also conducts training in peer counselling for young people. The work of the SVGPPA is supported by a subvention from the Government.

284. The SVGPPA has initiated since 1998 the Heal Saint Vincent project, which is recognized and supported by the Ministry of Health and the Environment. The objectives of the project are to increase the knowledge level within the 15-44 age group in relation to HIV/STD prevention, family planning and healthy lifestyles; to increase the safer sex practices in the sexually active population and to increase the knowledge level as well as the quality of

information disseminated to the public by health-care providers and educators in each health district. Fifty-two educators will be recruited throughout the island to carry out public education work. Financial support for the project is received from the International Planned Parenthood Federation and is expected to last for a period of three years.

285. Other government ministries which support programmes in the area of family life education, which involves family planning, are the Ministry of Housing through the Youth Department's outreach and the Women's Affairs Department in the Ministry of Education and Culture. The Ministry of Education also has included health and family life education in the curriculum of all primary schools.

7. Regional and international cooperation in the area of health

286. The Ministry of Health and the Environment has sought to build links and encourage cooperation with regional and international organizations in the field of health. At the regional level the Ministry collaborates with the Caribbean Food and Nutrition Institute (CFNI) to assist the Ministry in the training of health personnel in areas related to food and nutrition. It also works with the Caribbean Regional Epidemiology Centre (CAREC), which provides services to the region in the area of epidemiology, such as testing for HIV.

287. At the international level, the Ministry has collaborated with the Pan American Health Organization (PAHO) to access technical support for the training of health personnel and for evaluations to be carried out of existing health services. Through PAHO, the Ministry is also able to purchase vaccines at bulk prices and this has greatly aided the immunization programme. The World Health Organization (WHO), UNICEF and the World Food Programme (WFP) have provided support to the nutrition programme, although WFP support ended in 1996.

8. Legislative provisions

288. The legislation governing health services is contained in the Mental Health Act (cap. 228), the Family Nurse Practitioners Act, 1997, the Medical Officers Act (cap. 226), the Nurses, Midwives and Nursing Assistants Act (cap. 269) and the Medical Registration Act (cap. 227). These Acts relate to the regulation of certain health professionals and do not contain any specific provisions relating to children. The Public Health Act (cap. 232), and the Immunisation of Children Act (cap. 224) have been discussed above in relation to the CRC. The Penicillin (Control) Act (cap. 230) seeks to control the acquisition and disposal of penicillin. Similarly, the Sulphonamides Act (cap. 234) seeks to control sulpha drugs.

D. Social security and childcare services and facilities (arts. 26 and 18, para. 3)

1. Social security

289. The National Insurance Scheme is a social security scheme established by the National Insurance Act (cap. 229). It provides sickness, maternity, invalidity, retirement, death benefit and employment injury compensation. Persons who benefit should be employed and contribute to the scheme. The children of such contributors are entitled to the payment of Survivors'

Benefit by the National Insurance Scheme in the event of the death of the insured person or Death Benefit if the insured person dies as the result of an injury sustained at his place of employment.

2. Childcare services for employed persons

290. The first crèche in the country was organized by the Infant Welfare League in the 1940s.

291. The main organization which focused on pre-school education in the country prior to 1993 was CANSAVE. Its successor organization, VINSAVE, has maintained this role and has focused on the training of teachers. VINSAVE provides training to pre-school teachers on an ongoing basis and has done so for the past 30 years with support from UNICEF, the Community Development Division in the Ministry of Housing, the British Save the Children Fund and CANSAVE. In 1997, the Government approved a substantial grant of STABEX funds to VINSAVE for the training of pre-school teachers.

292. The Pre-School Services Committee, an umbrella organization institutionalized by the Pre-School Services Committee (Incorporation) Act, 1995, also makes a contribution to the sector. The Committee has, since 1984, focused on organizing the annual activities for Child Month, which is celebrated in May.

293. There are over 100 pre-schools in the State. All of these are privately owned and managed since the Government has no pre-schools of its own. Between 1996-1998, the Ministry of Education provided an annual subvention to pre-schools of EC$ 22,000. A similar sum is earmarked for 1999. A further sum of EC$ 5,000 has been budgeted annually for infant and nursery education over the same period.

294. The pre-schools are mainly supported by payment of fees by parents and by fundraising efforts of PTAs. The pre-schools are not regulated by the Government and there is a wide difference in standards, both in terms of the level of staff and other conditions.

295. Access to pre-school services by working parents is dependent on their ability to pay the fees charged. These fees range from EC$ 30 to as high as EC$ 300 a month. Some pre-schools offer meals and others request parents to send a snack. The distribution of pre-schools is quite wide since the establishment of a pre-school is not dependent on any particular training or other prerequisite but merely on the inclination to set up a facility in some available space.

296. The Ministry of Education is moving to correct this situation. The Ministry has appointed an Education Officer for Early Childhood Education who is working to improve the standards of pre-schools island-wide. A curriculum for pre-schools was completed in 1998 with technical assistance from a consultant from the Organization for Overseas Cooperation and Development (OCAD) and support from VINSAVE. There is the need for the Ministry of Education to appoint more staff persons to supervise pre-schools island-wide.

297. The Ministry is in the process of establishing standards for pre-schools through legislation. It has already developed the criteria for recognition and registration of pre-schools. The Government has in the past expanded its budgetary subvention to pre-schools. However, in

order to enforce such standards, the Government must be prepared to contribute more financially to pre-schools. A precedent has already been set for primary schools, whereby the Ministry of Education assists private schools with the payment of some teachers. In addition to improving standards, financial assistance to pre-schools should also enable the Government to have a say in the fee structure set by these schools, to enable employed persons to have greater access to such services.

298. The Children's Welfare Fund, a non-profit organization established to provide financial support for the work of day-care centres for children, has been providing an admirable service to the community by assisting some pre-schools in the State. The Fund is made up of civic minded persons in the community and is traditionally chaired by the Governor-General of the day.

E. Standard of living (art. 27, paras. 1-3)

299. The issue of parental responsibility for securing the conditions of living necessary for a child's development has already been discussed in section VI.2 and government assistance for the care of children in chapter VI, section B.2.

300. In the area of housing, as mentioned in chapter VI, section B.2, the Ministry of Housing provides, through its public assistance programme, assistance with building materials for repairs and maintenance to poor persons in need. This support has enabled some poor families to make improvements and additions to their dwelling, thereby enabling their children to have more comfortable accommodation.

301. The Housing and Land Development Corporation was established in 1976 to respond to the country's housing needs. The Corporation's main target groups were the low- and middle-income sectors of the population. The Corporation has not been functioning effectively and is now being reviewed. Assistance with housing is provided through a limited scheme of subsidized housing loans from monies accessed by the Government. The mortgage finance project is being administered by the National Commercial Bank. Most of the housing construction of poor families is carried out through informal self-help mechanisms and government programmes should seek to build on this.

F. Concluding comments

302. The work which has been so far carried out in Saint Vincent and the Grenadines in the area of health and health services delivery has contributed to meeting some of the country's obligations under the CRC. Whilst more remains to be done, the machinery and institutions in place already will be able to ensure that the remaining gaps are covered. The goals of the Ministry of Health and the Environment in the Health Sector Plan for 1999-2002 indicate that the Ministry has identified the major weaknesses in its health-care delivery service and has some proposed solutions and action plans to address them. In that context, there is the required focus on the health of children from birth to 18 years and this should contribute to improvement in their standard of health over the next five years.

303. The same cannot be said for children with disabilities. Major work remains to be done to review the situation of disabled children and to develop a comprehensive strategy for meeting the needs of a greater majority of disabled children over the next five years.

304. Childcare services for working parents need to be placed within a proper legal framework to improve the quality of such care. This will require the increased input of the Government, as well as the collaborative efforts of private organizations and agencies at present involved in childcare services. The Government will also need to consider providing more financial assistance in order to establish and maintain high standards in such facilities.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

1. Management of education

305. The Government's contribution to education has, over the past five years, been almost half of the total expenditure on human and social development (health, housing and education). In the 1999 budget, for example, of a total of EC$ 98.6 million slated for human and social development, EC$ 46.2 million was approved for education. In that budget, the Government allocated EC$ 1.3 million to the Ministry of Education for the establishment of a comprehensive textbook loan scheme, which should commence from September 1999. This should relieve some parents of the financial burden of purchasing textbooks. The resources for education in the country, however, are still inadequate, since most of the budgetary allocation is spent on personal emoluments.

306. The Ministry of Education, Women's Affairs, Culture and Ecclesiastical Affairs is the ministry directly responsible for the overall management of education in the country. The mandate of this ministry embraces even privately administered institutions since they must also operate within the context of policy guidelines set by the ministry. The legal framework for the delivery of educational services in the country is provided by the Education Act, 1992 (Act No. 29 of 1992).

307. The Act facilitates partnership between the Government and the private sector by allowing for the development of private schools totally financed and managed by private means. It also allows for support from the Government to assisted secondary schools which are privately, denominationally or community initiated and enables a range of initiatives at the post-secondary and adult and continuing levels to be developed.

308. Partnership in the management of schools is also fostered by the establishment of school boards. Under the Act there is provision for school boards with varying membership and for the establishment of parent teacher associations as an integral part of the management and operation of schools.

309. The Education Act also provides for the establishment of an Education Advisory Board whose functions include advising the Minister on all matters connected with education. The Education Advisory Board is comprised of 18 members, 15 of whom are appointed by their

respective organizations, 2 by the Minister and 1 ex officio. The work of the Board, which includes conducting research, holding meetings and visiting institutions, is financed by the Government.

310. Education within the country is carried out at the pre-primary, primary, secondary and tertiary levels and the Ministry of Education is the major provider of services, except at the pre-primary level. The Ministry is responsible for building schools, refurbishing schools, improving the physical environment of schools and the teaching/learning conditions.

311. The Ministry of Education is presently participating at the regional level in the implementation of the OECS Education Strategy, which seeks to harmonize and improve the educational base in the OECS territories. In this vein, collaboration is continuing with other regional and international organizations, such as UNICEF, UNESCO and UWI, to improve the educational services provided in the country. Collaboration with the private sector is also being encouraged, especially in the area of improving the access of schools to information technology. The Government has entered into bilateral agreements with the Republic of China on Taiwan to provide funding for the computerization of schools. Monies from STABEX are also being earmarked for the computerization of secondary schools and literacy programmes for young adults.

312. In order to improve the impact of the investments in education, the Ministry is collaborating with the Department for International Development (DFID) of the Government of the United Kingdom, to develop a 10-year strategy to guide the work of the Ministry in all aspects of education.

2. Primary education

313. Part II of the Education Act states that there should be primary education which consists of full-time education, suited to the requirements of primary students. The law provides for compulsory education, however there has not yet been a move to institute compulsory education in the country. One of the main difficulties in implementing these provisions is that there are social and economic factors which contribute to non-attendance at school. These include the fact that some parents have insufficient income to provide food for the children to take to school or to pay for transportation.

314. Other difficulties relate to the monitoring of compulsory education provisions. The Ministry is embarking on enlisting community support and a strong parent education programme to increase the participation rate and the level of enrolment (Peters, 1994). The Ministry is also implementing school feeding programmes and transportation subsidies which seek to improve the participation rate. Over one third of the primary school population is receiving a benefit through the school feeding programme, thus improving the attendance ratio in the afternoon sessions. Private persons who intend to import vehicles for transporting schoolchildren will in future be allowed tax concessions.

315. The Government still intends to introduce compulsory education in the future, in keeping with the provisions of the Education Act.[11] At present, 96 per cent of primary school-age children are enrolled in schools throughout the State and there is a 90 per cent participation rate.

316. The availability of primary education is improving in the country. There are approximately 61 government primary schools and 5 private primary schools. Total pupil enrolment as at September 1998 was 21,120, including 656 in private schools. Children enter the primary school system at the age of 4+. The schools have eight grades. However, after seven years or at approximately the age of 10 or 11, students sit the Common Entrance Examination, which determines whether they will move on to attend secondary school. Those who do not pass the Common Entrance Examination pursue a two-year course at an all-age primary school where they have a chance of passing a school leaving examination, and thus a second chance of entering secondary school. Holders of the school leaving certificate enter the second year of the five-year secondary programme.

317. Education at government primary schools is free of cost. To this end, the Government provides for the staffing and operating expenses of these schools out of the public revenue. The schools are based on full-time attendance. The main constraint faced by the primary schools is overcrowding and the Government is seeking to improve the physical facilities at the primary school level.

318. Most children complete primary school. However, the data shows that there is a large gap between the percentage of children who leave primary school and those who enter secondary school in any one year. The needs of the children concerned remain a serious issue for the country.

3. Secondary and vocational education

319. The secondary school system in Saint Vincent and the Grenadines has two cycles. One is a five-year cycle and the other is a seven-year cycle.

320. There are some primary schools called all age schools because their curriculum includes an extra two years of education in what are called the senior classes. The senior classes in an all age school provide a slower track, at the end of which persons who reach a certain standard move to the five-year cycle of secondary school. The senior classes plus secondary school constitute the seven-year cycle. The senior classes are highly stigmatized, although their validity and contribution to the education system has been proven over time. The Ministry of Education is working with the British Department for International Development to improve the provision of education at this level and to avert the seeming stigmatization.

321. The Ministry of Education provides secondary education through the 21 secondary schools. The Government provides for the payment of salaries of some teachers at the assisted secondary schools and the cost of scholarships awarded annually to some children entering these schools, as well as grants to these schools. In 1998 there were 10 private secondary schools.

322. Access to secondary schools is dependent upon the student's attaining an acceptable grade in the Common Entrance Examination. This has in practice remained a constraint to students' entering secondary school education. In the years 1990-1995, less than 50 per cent of students passed the examination in any one year. In most years, the figure did not rise higher than 40 per cent of those who sat the examination.[12]

323. The Ministry of Education is proposing to increase the number of student places in secondary schools in order to reduce the number of children of secondary school age currently attending primary schools. A new secondary school was recently opened in Georgetown, the second largest town, located on the Windward side of the island. The problem of meeting the needs of the large numbers of students who do not have access to secondary education because they do not meet the educational requirements will continue to challenge the Ministry of Education.

324. The curriculum at the secondary schools is geared towards preparing students to sit the Caribbean Examinations Council (CXC) examinations set by the Caribbean Regional Caribbean Examinations Council. These examinations test the student's proficiency in a number of subjects. Based on the student's performance, he is able to obtain a place at the tertiary institution, namely, the Community College, to continue his education. Students who perform well are also better placed to enter the job market.

325. The geographical distribution of the secondary schools is island wide, since eight of them are located in the rural areas. This reduces the cost to rural children of attending secondary school. This cost should be further reduced with the introduction of the textbook loan scheme by the Ministry of Education in 1999.

326. One area which is being developed is that of technical/vocational education. The Government has developed a strategy for vocational education whereby vocational facilities are located in such a way that they can serve a cluster of schools and thus maximize the use of valuable equipment and teacher services. There are at present six technical and vocational schools island wide. These schools are classed as multipurpose centres and provide two years of vocational training. Transportation for students from their various schools to the multipurpose centres is provided by the Ministry of Education. The Ministry is developing a plan to open the centres in the evening to cater to out-of school youth. The centres are distributed geographically, with four located on the Leeward side of the island, one on the Windward side of the island and one in Kingstown. The Ministry is making provision for the construction of two more centres in the near future to service the inland region.

327. One tertiary institution, the Saint Vincent Technical College, provides vocational training. The programme offered includes secretarial training, welding, auto-mechanics, electrical skills, plumbing and electrical appliance repairing. The student population as at September 1998 was 212.[13] The Government meets the staffing and operational costs.

328. The National Youth Skills Training Programme under the Ministry of Housing also carries out a short-term vocational skills training programme for youth. The Ministry offers vocational skills training at six training centres on the basis of a two-year programme. By 1999 the programme had trained 110 youths between the ages of 16 and 25.

4. Tertiary education

329. Tertiary education is provided at the Saint Vincent and the Grenadines Community College, the Saint Vincent Teachers College, the UWI School of Continuing Education and the Saint Vincent School of Nursing. The Community College, which caters to those students who

wish to prepare for university education, offers a free-two year training programme to prepare students to sit the Advanced Level examinations set by various examination bodies based in the United Kingdom. In 1997, the college had a student population of 582. This institution is fully financed by the Government of Saint Vincent and the Grenadines.

330. The Saint Vincent Teachers College and the Saint Vincent School of Nursing are professional training facilities for teachers and nurses respectively which are financed by the Government of Saint Vincent and the Grenadines. The teachers training college is free. Many persons below the age of 18 attend these institutions to obtain further professional development. Between 1992 and 1995, the total student population at the School of Nursing did not exceed one hundred in any one year.

331. Tertiary training is offered by the UWI School of Continuing Studies through its various programmes. It is not financed by the Government, although a small government subvention is granted. The programmes have been geared towards preparing the students for university education at the University of the West Indies and in some cases the students are able to complete the first and second years of their studies through the distance education facility offered by UWI. This enables the cost of tertiary education to be reduced considerably, although it is not a full-time programme.

5. Adult education

332. The need for adult education programmes has been recognized by the Ministry of Education. The Ministry, through its Adult Education Unit, provides support to adult literacy by providing materials and tutor training where requested. The Unit also carries out important work by providing training programmes for adult learners in collaboration with other government ministries. These programmes seek to equip learners with basic literacy and numeracy skills, as well as giving some training in developing small business projects which can assist the economically disadvantaged with income generation. The Ministry intends to undertake a major literacy study and it is expected that this will have implications for future developments in the area.

333. The Ministry encourages and supports the development of literacy programmes by private individuals, institutions and non-governmental organizations and acts in partnership with them. Adult education training for young persons who wish to combat illiteracy is mainly provided by an NGO, New Horizons, which conducts several levels of training for youths and adults. Some financial contribution to the work of New Horizons is being provided under the STABEX funding programme. Marion House also offers some training for children and young persons who need remedial assistance and also offers some adult education programmes.

B. The aims of education (art. 29)

334. The goal of the education system has been to provide the population with the appropriate skills, attitudes and knowledge for the life-long education required to meet society's changing needs. This goal is being implemented by the Ministry of Education through its various activities and is enshrined in the Education Act, which provided the legal framework for the major policy positions of the Ministry.

335. The Mission statement of the Ministry of Education states:

"The mission of the Ministry of Education is to provide, singularly or cooperatively, all persons of the State with learning opportunities appropriate to their learning needs and to ensure a quality of education that will equip them with required values, skills, attitudes and knowledge, necessary for creating and maintaining a productive, innovative and harmonious society."

336. The aims of education, as accepted by the State, are as follows:

To develop the whole person to enable him or her to deal with the exigencies of life;

To develop an understanding of the economic, social and political environment;

To develop and foster, in the individual, the capacity and motivation to learn, thus creating a learning society,

To bring about respect for the person, and to reinforce the interdependence of man, as an ideal in life;

To develop the human resource factor, consonant with economic and social realities;

To instil positive attitudes to work, health and the environment;

To develop an appreciation of one's cultural heritage and an understanding of the diverse peoples of the world;

To develop moral and spiritual values, consonant with the ideals of a democratic society (Peters, 1994).

337. In Saint Vincent and the Grenadines, the Ministry of Education is responsible for providing the legal and institutional framework within which all schools must operate. Having established this framework it does not interfere with the liberty of individuals and bodies to direct and establish educational institutions provided they conform to the required standards of facilities and training. The private secondary schools in the State are either owned by churches or by private organizations. Some of the private primary schools have had a long historical presence.

C. Leisure, recreation and cultural activities (art. 31)

1. Leisure and recreation

338. Sports play a major role in the development of children in the State. It is recognized by the Government that there is an important link between the level of physical activity and the health and well-being of the child. The participation of many youth in sports has prevented their involvement in drugs and has enhanced their personality to the extent that they become well-rounded citizens. There is a positive emphasis on sports in schools and communities, with

sports and physical education being an integral part of the curriculum at the primary and secondary levels. Inter-school sports competitions are organized and conducted on a regular basis, in addition to the friendly matches that take place from time to time.

339. At the level of the Government, the Ministry of Housing incorporates a Sports Division, which organizes sporting activities for communities and schools. The Sports Division provides training and sources equipment for various sporting activities. The aims of the Sports Division are to enhance sporting skills through training at the school and village levels; to deepen links with national, regional and international sporting associations; to maintain government facilities and to provide assistance to sporting associations.

340. The development of sports is vested in the National Sports Council by virtue of the National Sports Council Act (cap. 292). The Council receives an annual grant from the Government to carry out its work which, by virtue of the Act, includes developing and maintaining sporting facilities, and to administer the funds of the Council and all government grants allocated to the Council. Sports programmes organized by the Ministry of Education for schools are, however the sole responsibility of the Ministry of Education. The National Sports Council is a semi-autonomous body and its members are appointed by Cabinet.

341. The Government establishes and maintains most of the sporting facilities available in the State. These facilities often require regular maintenance or upgrading and this is part of the responsibility of the National Sports Council. The Government has invested in several multipurpose courts located in the rural areas, as well as a central sports complex located at Arnos Vale, just outside of the capital, Kingstown. The popular sports are netball, athletics, football, cricket, tennis and basketball. Most sports are governed by national associations. The Sports Division assists them with equipment, training and other types of support.

342. Sporting activities are also organized by the Ministry of Education for schools. The Ministry budgets for an allowance to be paid to Games teachers for primary schools and a Sports Officer is provided for, within the general administrative staff at the Ministry.

343. It should be noted that funds for sports infrastructure, programmes and training are also provided by the National Lottery Board, a statutory body established by the Government to administer the national lottery in the State.

344. The communities and urban areas must make maximum use of the sporting facilities since recreational areas are limited. This is so particularly for pre-schoolers. There is a shortage of parks and playgrounds equipped to stimulate toddlers and pre-schoolers. This problem needs to be addressed.

345. Youth groups and other organizations are actively involved in ad hoc leisure activities for children, such as the organization of walks and beach trips. This activity is still relatively safe and utilizes the natural environment of the country to the greatest degree. The Youth Affairs Department in the Ministry of Housing also promotes and manages the 4-H movement. This programme of activities for children includes health and nutrition, agriculture, cultural

exchanges, student exchanges, environmental awareness and arts and craft. "Youth on the Move" is another programme developed by the Youth Affairs and Sports Departments and is conducted three times per year. It is multidimensional and engages youth in sporting activities.

2. Culture

346. The Ministry of Education, Women's Affairs and Culture is charged with organizing cultural activities in the State. The Department of Culture, which is staffed by a Cultural Officer, a Dance Development Officer and a Research Officer, has designed a programme specifically targeted at schoolchildren and youths. The Department sponsors an annual schools drama festival in which schools are invited to participate with dramatic presentations. Based on their performance, the schools are awarded prizes and certificates of recognition. This has proven to be a valuable programme in exploring and building the creative capacities of Vincentian children.

347. Similarly, members of the wider community, including children and youths are invited to participate in the Community Drama Festival and the National Dance Festival. These activities are geared towards enhancing the cultural talents of the communities. Training in drama and dance are also conducted through workshops organized by the Department.

348. The Department of Culture has contributed to the development of such festivals as the National Carnival activities held in July. This Carnival involves a large number of youths in creative activity, such as playing in steel bands, costume design and calypso singing. This has been one of the major forums for social commentary available to the community. The organizing body for this activity is the Carnival Development Committee, which receives support from the Government as well as other agencies.

349. The Ministry of Education also organizes and implements a music programme in the schools.

D. Concluding comments

350. The issues affecting the access of children to education relate to their social and economic condition. In Saint Vincent and the Grenadines, whilst the Government is continuing its efforts to provide adequate facilities and improved staffing for primary, secondary and tertiary education the reality is that there are some factors which reduce the access of some children and young persons to these services. In the first instance, issues related to poverty limit the ability of some parents to provide the conditions for their children to go to school. The textbook loan scheme and the school-feeding programme contribute substantially to improving the participation rate of children at the primary level.

351. The school-feeding programme and the proposed textbook loan scheme will provide support to children in order to increase their opportunities to be educated. Once children attend school they are still faced with the challenge of performing in competition with children who have a more favourable home environment. If children cannot pass the Common Entrance

examinations, their opportunities for advancing to a secondary school education are not good. There is a need for greater importance to be placed on the development of facilities for children who cannot access secondary school education.

IX. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency (arts. 22, 38 and 39)

1. Refugee children (art. 22)

352. Given the geopolitical situation of Saint Vincent and the Grenadines, there are no refugee children present in the State, nor is there at present legislation to address such a matter should it arise. However, the child would be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment and would be dealt with by the Social Welfare Division.

353. There have been cases in the past where other Caribbean countries have been required to decide on the status of persons who drifted ashore from Haiti or Cuba seeking refugee status although they were en route to another country. If this arose in Saint Vincent and the Grenadines, the persons would have to be considered under the Immigration (Restriction) Act, (cap. 78). Whilst they would be prohibited immigrants under section 4 of the Act, a request can be made to the Governor General under section 8 of the Act to allow a prohibited immigrant to enter and remain in Saint Vincent and the Grenadines. An immigration officer, if he encounters a prohibited immigrant at any port of entry or anywhere else, has the power, under section 13 of the Act, to postpone a decision for two months pending further inquiry. A prohibited immigrant is also entitled to appeal a decision ordering him to leave the State (sect. 14). The dependants of a prohibited immigrant who are children, stepchildren or adopted children under the age of 16 are also prohibited immigrants.

2. Children in armed conflicts (art. 38) including physical and psychological recovery and social reintegration (art. 39)

354. Children in Saint Vincent and the Grenadines have not been exposed to armed conflict. The measures in place to protect children and to promote physical and psychological recovery are not intended to cope with the traumas associated with armed conflict. If such a situation should occur in future, new measures would have to be put in place.

B. Children in conflict with the law (arts. 37, 39 and 40)

1. The administration of juvenile justice (art. 40)

355. Under the Juveniles Act, a juvenile is defined as a person under the age of 16 and a young person is anyone who is 14 years of age or upwards and under the age of 16 years. It is therefore important to note that, in relation to the terms of the CRC definition of a child as being under the age of 18, the special provisions of the juvenile justice system do not apply to persons

who are over 16 years. In legal terms a person 16 years of age and over is treated as an adult and is subject to all the consequences of the criminal justice system pertaining to adults, except where the law excludes him from being so considered.

356. The legislative provisions for the administration of juvenile justice in Saint Vincent and the Grenadines are contained in the Juveniles Act (cap. 168), the Probation of Offenders Act, (cap. 128), the Corporal Punishment of Juveniles Act (cap. 123) and the Criminal Code (cap. 124). The most relevant law however, is the Juveniles Act, which specifically states in the short title that it is an Act to provide inter alia "for the care and protection of juveniles, the trial and treatment of juvenile offenders ...". The enforcement of this Act is carried out by the Family Court. However, juveniles are also affected by the provisions of the Criminal Procedure Code (cap. 125) in situations where they are charged jointly with an adult or charged with an indictable offence. In such cases the juvenile would appear either in the Magistrates Court or in the High Court.

357. The presumption of innocence is one of the basic principles on which the courts operate. According to this principle, a person is innocent until proven guilty. This principle is enshrined in Common Law from time immemorial and is embodied in section 8 of the Constitution of Saint Vincent and the Grenadines. In summing up during a criminal trial, the judge must inform the jury of this legal principle.

358. The Constitution also provides that a person has the right to be promptly informed of the charges against him or her (sect. 8) and to be afforded reasonable access to a lawyer of his or her choice and, in the case of a minor, consultation with his or her parents or legal guardians. There is no legal aid system in place entitling a person to have free legal or other appropriate assistance in the preparation and presentation of his or her defence. However there are private practitioners who would assist with legal representation on a pro bono basis. The Saint Vincent and the Grenadines Human Rights Association has been able to obtain legal representation for minors in some matters, including criminal cases.

359. The Family Court is the judicial body which deals with all matters except indictable offences. A hearing takes place in the presence of the legal representatives defending the case, if any, and the police prosecutor presents the facts which constitute the offence. Both sides are entitled to call witnesses to support their case. The probation officer who has been dealing with the case and who has perhaps undertaken a social investigation of the child may also be present. Under the Juveniles Act (sect. 18 (2)) the probation officer is under a duty to prepare a report for the information of the court before which the juvenile appears charged with an offence. The report should have information on the juvenile's mental and physical condition, his surroundings, school record, age and character and any other facts which may be of assistance to the court. The parent or guardian of the child is entitled to be present during the hearing when the child is being tried for an offence and has to be summoned when the court is passing sentence on the juvenile (sect. 18 (1)).

360. The juvenile is not compelled to give testimony or confess guilt. The law ensures that any person who is charged with an offence is entitled either to remain silent, give sworn testimony on which he will be cross-examined or to make a statement from the dock. These will be admitted as evidence.

361. If the decision of the court is that the juvenile is guilty, this decision can be appealed against and the sentence imposed in consequence thereof suspended until the appeal is heard (Criminal Procedure Code, cap. 125). The appeal can be made against the sentence alone. Appeals from the Family Court are made to the High Court and appeals from the High Court are made to the Eastern Caribbean Supreme Court. Any appeals from decisions of the Supreme Court are made to the Privy Council in England.

362. There is provision in the Family Court Act, 1992 for cases to be heard in camera to respect the privacy of the minor. The Juveniles Act (cap. 168, sect. 7) also provides for exclusion of the public with the exception of the officers of the court, the parties to the case and their legal representatives, and any other person directly concerned with the case. The Criminal Procedure Code, cap. 125, sect. 4, also provides for the exclusion of the public or particular persons from the court at the discretion of the judge or magistrate. This provision is frequently used at the Supreme Court in Saint Vincent and the Grenadines, in particular in cases involving juveniles and sexual offences.

363. However, where a juvenile is charged with an indictable offence, proceedings for his committal for trial shall be heard in a magistrate's court and if on the termination of those proceedings the court is satisfied that the juvenile should be committed for trial the court will commit him (sect. 26). If the juvenile is tried before any court which is not a juvenile court, that court shall have in relation to that juvenile all the powers of a juvenile court (sect. 36). In other words the trial of the juvenile in a magistrates court means that the public is not excluded.

364. The minimum age below which children shall be presumed not to have the capacity to infringe the penal law is eight years under the Juveniles Act (sect. 3) and also under the Criminal Code (sect. 12). There are measures for dealing with such children without resorting to judicial proceedings and these cases are usually referred to the Social Welfare Division.

365. The Juveniles Act (sect. 18) provides that the court, on finding a juvenile guilty, may make a variety of orders relating to the guidance and supervision of the juvenile. These include dismissing the case; putting the offender under probation; placing the juvenile under the care of a fit person; ordering the parent or guardian of the juvenile to enter into a recognizance for the good behaviour of the juvenile; committing the juvenile to an approved school; or ordering the parent or guardian of the juvenile to pay compensation. Under the Criminal Code if a child is convicted of an offence and a fine is ordered to be paid, the court can order that the fine or costs be paid by the parents of the child (sect. 26).

366. The court is not allowed to pass a custodial sentence on a juvenile. The Juveniles Act (cap. 168, sect. 19) establishes that a person under the age of 16 is not to be sentenced to imprisonment for any offence or be committed to prison in default of any payment of any fine, damage or costs. The Act provides for probation of offenders, in addition to other orders. The probation officer is required during this period to visit, advise and befriend the juvenile, and endeavour to find him suitable employment.

367. The Corporal Punishment of Juveniles Act (cap. 123) provides for corporal punishment in the form of caning to be administered on juveniles who have committed an offence. The number of strokes for any one offence is not to exceed 12 and the court should direct by whom

and where the caning should take place. If no direction is given, the caning will be administered by a police officer at a police station. A medical officer should be present to witness the caning and caning is to be administered with a light rod on the buttocks.

368. The Probation of Offenders Act (cap. 128) allows the court to make an order putting the offender on probation without convicting him of the offence. If the court convicts the offender of an indictable offence the court can also release the person on probation and require him to enter into a bond to be on good behaviour. The court may, in addition, order the offender to pay damages for compensation or loss. The Social Welfare Division and the Family Court also offer counselling to such juveniles. There are no provisions in the law for community service.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b) (c) (d))

369. As mentioned in section 1 above, the processes enshrined in the law outline the manner in which the child is arrested, detained and tried. The sentencing provisions in relation to juvenile offenders are also discussed in that section.

370. The Juveniles Act provides that arrangements should be made by the Commissioner of Police for preventing a juvenile, while detained in a police station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court, from associating with any adult, not being a relative, who is charged with any offence other than the offence with which the juvenile is charged (sect. 22). Given the limited facilities available at the courts and at the police stations this is not always possible.

371. Whilst the Act refers to a place of safety and approved schools, unfortunately there are no institutions where the juvenile can be sent and this constitutes a serious deficiency in the administration of justice for juveniles.

372. The Prisons Act and Prison Rules (cap. 281) provide for the separation of juvenile and young prisoners from other prisoners. Juveniles sentenced to imprisonment shall be kept separated from all other prisoners. Young prisoners are prisoners who are under 21 years of age and the law requires that they may be removed to separate parts of the prison called young prisoner's centres. In such centres, special provision shall be made for the education and for the moral, physical and industrial training of the prisoners.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

373. The Criminal Code (cap. 124, sect. 24) states that sentence of death shall not be pronounced against a person convicted of an offence if it appears that at the time the offence was committed the person was under the age of 16 years, but he can be sentenced to be detained at her Majesty's pleasure under such conditions as the Governor General may direct. In this respect, the laws of Saint Vincent and the Grenadines differ from the provisions of the CRC since a person can be sentenced to death if convicted of a murder committed when the person was 17 years of age.

374. In practice there have not been many hangings in the State, so it is unlikely that a person under the age of 18 would be subjected to capital punishment.

375. The United Nations Declaration on the Prevention of Crime and Treatment of Offenders Act (cap. 143) makes it an offence to carry out acts of torture and other cruel, inhuman or degrading treatment or punishment on any person. The law incorporates the provisions of the Declaration in the schedule, which defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected to have committed or intimidating him or other persons".

C. Children in situations of exploitation (arts. 32-36 and 39)

376. In general, the provisions in place to address this problem are discussed throughout this report, particularly in chapter VI. This section will focus on those issues not dealt with there.

1. Economic exploitation, including child labour (art. 32)

377. The Employment of Women, Children and Young Persons Act (cap. 148) is the principal legislation which determines the conditions under which children will be employed. The Act defines a child as a person under the age of 14 years and a young person as someone under the age of 18 years.

378. There are no regulations with respect to the hours of employment for young persons, except to the effect that night work in industrial undertakings shall not be undertaken by young persons under the age of 16.

379. The Factories Act (cap. 335) provides for the regulation of factories and states that young persons should not be employed in a factory unless they have been medically examined. The Factories Act outlines provisions for the safety and welfare of workers in the factory .

380. There is the need for more comprehensive legal provisions with respect to child labour. The present legislation is outdated and unsuited to the present-day conditions. A review of the types of employment in which children are found needs to be carried out and a subsequent revision of the legislation should be considered where appropriate.

2. Drug abuse (art. 33)

381. Drug abuse is a problem of growing concern in the State. The substances to which children are mostly exposed include alcohol, crack, cocaine and marijuana. Saint Vincent and the Grenadines has earned the reputation of being a major marijuana producing country and as a result regional initiatives have been organized by the Government to have marijuana eradication

programmes carried out. One such initiative was carried out in 1998. The legal provisions are contained in the Drugs (Prevention of Misuse) Act (cap. 219) and the Drug Trafficking Offences Act, 1993 (Act No. 45 of 1993). These laws do not make any specific provisions in relation to children, although they create criminal offences with which persons over the age of eight can be charged. The offences created in the Acts can be tried in the Magistrates Court.

382. As indicated earlier in this report, a number of young males have been admitted to the mental health hospital because of substance abuse. The Health Education Unit of the Ministry of Health and the Police Department are seeking to collaborate with schools in order to carry out education programmes in primary and secondary schools. The National Youth Council, an umbrella organization comprised of a large number of youth groups island-wide, and the Youth Affairs Department in the Ministry of Housing have also been carrying out ongoing educational and public awareness programmes against substance abuse. Many other public education programmes are being carried out by various organizations on this issue.

383. The Police Department has a programme entitled DARE which seeks to educate youth on the dangers of substance abuse. So far 4,452 students from primary schools island-wide have benefited from the programme.

3. Sexual exploitation and sexual abuse (art. 34)

384. The provisions of the Criminal Code (cap. 124) discussed in chapter VI, sections 9 and 11 are also relevant here. There is no documented evidence of child pornography taking place in Saint Vincent and the Grenadines. The use of children in prostitution is an issue which has emerged in relation to crimes of sexual abuse against children. There are cases where children are utilized to bring in economic benefits to the home which constitute prostitution in effect, even though, from the manner in which it is carried out, this may not appear obvious. Street children, especially boys, have been found to be involved in unlawful sexual practices with men for reward. This has also become a cause for concern although no study or data exists on the extent of this phenomenon.

385. There needs to be more attention paid to the issue of providing alternative care for children who are encountered in these situations, since often there is no place for them to go. This would also be linked to the current public awareness campaign on the dangers of sexually transmitted diseases and HIV which could result from such activities.

4. Sale, trafficking and abduction

386. The Adoption Act contains provisions geared towards controlling the use of adoption as a hidden form of promoting the sale and trafficking in children. This should be complemented by the ratification by Saint Vincent and the Grenadines of the Hague Convention on the Civil Aspects of International Child Abduction, which seeks to prevent abduction across borders.

D. Children belonging to a minority or an indigenous group (art. 30)

387. There is an indigenous population in Saint Vincent and the Grenadines comprised of persons of Carib origin. Whilst the children of this group are not denied the right to practise their own culture, language or religion, there could be efforts to recapture and revitalize such cultural practices in order that the children of indigenous people have the opportunity to develop greater self-esteem. The Constitution of Saint Vincent and the Grenadines does, however, provide for freedom from discrimination on the grounds of religion or ethnicity.

E. Concluding comments

388. The compliance of Saint Vincent and the Grenadines with the articles pertaining to special protection measures for children needs some improvement.

389. In relation to juvenile justice in particular, the compliance exists in relation to the judicial process, but there is the need for support systems for the Family Court, as well as a proper remand facility for juveniles. There is a need for a comprehensive review of the labour legislation in relation to children and young persons with a view to reflecting the needs of present-day employment practices. In relation to sexual abuse, there needs to be an assessment of the situation of street children and the manner in which prostitution and enticement of such children can be eliminated in practice. Finally, data collection needs to be strengthened at all levels since there is insufficient information on any of the forms of exploitation to be able to analyse the issue of exploitation of children thoroughly and to make sound recommendations for the improvement of the situation.

X. RECOMMENDATIONS

390. Throughout this report recommendations and suggestions have been inserted as they have emerged in the consideration of any aspect of the Convention in its relation to the situation pertaining to Saint Vincent and the Grenadines at this time. These recommendations have emerged mainly from the interviews which the consultant has held with persons whose experience in the field has prompted them to make certain submissions on various aspects of the welfare of children in the State.

391. The main recommendation is the need for legislative reform in the areas of law relating to children. There is the need for a comprehensive law which would address all the critical issues relating to children and it is hoped that such a law would emerge from a thorough consultation and revision exercise.

392. This recommendation also emerged from the Seminar/Workshop on the Rights of the Child which was organized by the Saint Vincent and the Grenadines Human Rights Association in 1994. The broad-based participation by government and non-governmental agencies in that workshop gives merit to the recommendations which emerged therefrom.

393. The recommendation is highlighted not with the view that legislation solves all problems. On the contrary, that is not the case. However, the writer of this report is of the view that a consultative process must be seriously embarked upon before any long-term solutions will emerge to the multifaceted issues which need to be addressed. As has emerged from this report, there are many stakeholders in this. They include those who work in the interests of children at all levels, those who care for children in the home and elsewhere, and the children themselves. A legislative framework needs to be designed which will be as effective as possible in coping with the many challenges which are being experienced now by all concerned, as well as those which are likely to be faced in the future.

Notes

[1] Draft Health Sector Plan, 1999-2003 (Ministry of Health and the Environment, Saint Vincent and the Grenadines).

[2] Ibid., p. 25.

[3] Ibid., p. 31.

[4] Final Report, Poverty Assessment Report - Saint Vincent and the Grenadines (Kairi Consultants, 1996), p. 73.

[5] Saint Vincent and the Grenadines 1998 Estimates (Government of Saint Vincent and the Grenadines, 1997), p. 243.

[6] Draft Health Sector Plan, 1999-2003, p. 66.

[7] Saint Vincent and the Grenadines 1999 Estimates (Government of Saint Vincent and the Grenadines, 1998), p.132.

[8] Digest of Statistics for the Year 1995 (Statistical Unit, Central Planning Division), p. 7.

[9] Source: Population and Housing Census, 1991, tables 5.11 and 5.12, p. 91.

[10] Draft Health Sector Plan, 1999-2003, p. 29..

[11] Saint Vincent and the Grenadines National Development Plan 1991-1995 (Government of Saint Vincent and the Grenadines), p. 135.

[12] Digest of Statistics for the year 1995 (Statistical Unit, Central Planning Division), p. 34.

[13] Saint Vincent and the Grenadines 1999 Estimates (Government of Saint Vincent and the Grenadines, 1998), p. 147.

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Table 1. Percentage distribution of population by broad age group and sex

Age group	1980			1991		
	Male	Female	Total	Male	Female	Total
Under 15	45.9	41.7	43.7	37.7	36.7	37.2
15-29	29.0	28.7	28.8	30.0	29.0	29.5
30-44	10.6	11.3	10.9	16.4	15.8	16.1
45-65	9.7	11.5	10.7	10.3	11.0	10.7
65+	4.8	6.6	5.7	5.4	7.6	6.5
Not stated	0.1	0.1	0.1	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: 1991 Population and Housing Census Report.

Table 2. Percentage distribution of population by ethnic group and sex

Ethnic group	1980			1991		
	Male	Female	Total	Male	Female	Total
African/Negro/Black	82.3	81.8	82.0	78.2	75.9	77.1
Amerindian/Carib	...	...	...	3.0	3.3	3.1
East Indian	1.6	1.6	1.6	1.3	1.4	1.4
Portuguese	0.5	0.5	0.5	0.5	0.5	0.5
White	1.1	1.1	1.1	0.9	1.0	0.9
Mixed	13.7	14.1	13.9	15.5	17.4	16.4
Other	0.3	0.4	0.4	0.1	0.1	0.1
Not stated	0.4	0.5	0.4	0.5	0.4	0.4
All groups	100.0	100.0	100.0	100.0	100.0	100.0

Source: 1991 Population and Housing Census Report.

Table 3. Percentage distribution of population attending school or educational institution by age and sex

Age group	1980			1991		
	Male	Female	Total	Male	Female	Total
Under 5 years	1.9	2.0	1.9	7.2	6.9	7.1
5	7.8	7.8	7.8	7.4	7.3	7.4
6	9.1	9.0	9.0	8.2	7.2	7.7
7	9.9	9.3	9.6	8.2	8.0	8.1
8	9.8	9.5	9.6	8.5	8.4	8.4
9	9.3	8.4	8.9	8.1	7.6	7.8
10	8.7	8.3	8.5	8.1	7.6	7.9
11	8.2	7.4	7.8	8.5	8.0	8.3
12	9	8.3	8.6	7.7	7.2	7.5
13	8.1	8.6	8.4	7.0	6.9	6.9
14	8.4	8.4	8.4	7.8	7.3	7.6
15	4.0	5.0	4.5	4.3	5.3	4.8
16	2.0	3.2	2.6	2.9	3.8	3.4
17	1.5	2.2	1.8	2.1	3.2	2.7
18	1.2	1.3	1.2	1.7	2.3	2.0
19	0.6	0.6	0.6	0.9	1.3	1.1
20 and over	0.7	0.8	0.7	1.4	1.6	1.5
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: 1991 Population and Housing Census Report.

Table 4. Population attending school or educational institution by type of school

Type of school	1980	%	1991	%	% change
Nursery/infants/pre-	825	2.6	2 402	6.9	191.2
Primary	25 505	79.9	24 305	70.3	-4.7
Secondary	5 370	16.8	6 949	20.1	29.4
Trade/vocational	...	...	220	0.6	...
Technical college	...	...	231	0.7	...
University	8	0.0	57	0.2	612.5
Other	204	0.6	414	1.2	102.9
Not stated	9	0.0	3	0.0	-66.7
Total	31 921	100.0	34 581	100.0	8.3

Source: 1991 Population and Housing Census Report.

Table 5. Common entrance examination results, 1992-1997

Year	Candidates who sat	No. of passes
1992	2 572	993
1993	2 602	922
1994	2 498	912
1995	2 987	1 256
1996	2 798	1 066
1997	2 699	1 202

Table 6. School leaving examination results, 1988-1997

Year	Candidates who sat	No. of passes
1988	883	57
1989	883	60
1990	920	39
1991	1 247	47
1992	949	95
1993	947	50
1994	964	84
1995	953	207
1996	1 122	91
1997	1 217	137

Source: Ministry of Education.

Table 7. Enrolment of pupils in primary schools* by age, 1994-1997
(Age last birthday)

Age (in years)	1994			1995			1996			1997		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
5	1 472	1 455	2 927	1 268	1 125	2 393	1 603	1 545	3 148	1 466	1 413	2 879
6	1 272	1 231	2 503	1 246	1 238	2 484	1 267	1 138	2 405	1 226	1 195	2 421
7	1 362	1 255	2 617	1 200	1 191	2 391	1 209	1 183	2 392	1 240	1 129	2.369
8	1 324	1 358	2 682	1 349	1 240	2 589	1 251	1 217	2 468	1 195	1 164	2 359
9	1 346	1 257	2 603	1 336	1 345	2 681	1 299	1 216	2 515	1 207	1 183	2 390
10	1 330	1 392	2 722	1 321	1 216	2 537	1 316	1 304	2 620	1 332	1 217	2 549
11	1 254	1 133	2 387	1 218	1 167	2 385	1 159	1 074	2 233	1 119	1 131	2 250
12	993	807	1 800	1 082	919	2 00.	973	766	1 739	969	736	1 705
13	841	639	1 480	802	574	1 376	781	553	1 334	742	526	1 268
14	718	471	1 189	643	448	1 091	560	392	952	688	437	1 125
15	248	180	428	262	209	471	212	131	343	201	112	313
Total	12 160	11 178	23 338	11 727	10 672	22 399	11 630	10 519	22 149	11 385	10 243	21 628

Source: Ministry of Education.

* Private schools not included.

Table 8. Enrolment of pupils in secondary schools by age, 1994-1997
(age last birthday)

Age (in years)	1994			1995			1996			1997		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Under 11	9	19	28	7	3	10	1	2	3	5	6	11
11	117	179	296	49	164	213	84	136	220	93	171	264
12	316	501	817	323	475	798	345	572	917	369	522	891
13	473	783	1 256	484	701	1 185	543	811	1 354	580	811	1 391
14	499	741	1 240	520	799	1 319	519	811	1 330	600	838	1 438
15	477	726	1 203	511	835	1 346	569	809	1 378	519	781	1 300
16	436	606	1 042	449	662	1 111	466	682	1 148	500	737	1 237
17	364	519	883	362	509	871	301	424	725	328	459	787
18	204	287	491	246	314	560	167	225	392	106	165	271
19 & over	90	118	208	110	122	232	65	107	172	39	61	100
Total	2 985	4 479	7 464	3 061	4 584	7 645	3 060	4 579	7 639	3 139	4 551	7 690

Source: Ministry of Education.

Table 9. Number of households by main source of water supply

Source of water supply	1980		1991		% Change
	Number	%	Number	%	
Private piped into dwelling	1 605	7.9	1 681	6.2	191.2
Private catchment not pipe	744	3.7	1 346	5	4.7
Public piped into dwelling	4 337	21.4	8 984	33.3	80.9
Public piped into yard	2 690	13.3	3 864	14.3	107.1
Public stand pipe	9 197	45.3	7 934	29.4	43.6
Public well or tank	260	1.3	279	1	- 13.7
Other	1 158	5.7	2 914	10.8	7.3
Not stated	299	1.5	...	...	151.6
Total	20 290	100.0	27 002	100.0	33.1

Source: 1991 Population and Housing Census Report.

Table 10. Number of households by type of toilet facilities

Type of toilet	1980		1991		% Change
	Number	%	Number	%	
WC linked to sewer	675	3.3	829	3.1	22.8
Shared	70		61		
Not shared	605		768		
WC cesspit or septic tank	4 193	20.7	8 141	30.1	94.2
Shared	246		553		
Not shared	3 947		7 588		
Pit latrine	13 903	68.5	16 815	62	20.9
Shared	2 274		4 200		
Not shared	11 629		12 615		
Other	154	0.8	215	0.8	39.6
Shared	75		78		
Not shared	79		137		
None	824	4.1	1 002	3.7	21.6
Not stated	541	2.7	...	...	
Total	20 290	100.0	27 002	100.0	33.1

Source: 1991 Population and Housing Census Report.

Table 11. Number of births by age group of mothers, 1993-1997

Age group of mother	1993	1994	1995	1996	1997
10-14	19	13	21	13	14
15-19	553	557	540	467	482
20-24	787	730	785	694	659
25-29	655	594	579	518	523
30-34	442	437	450	387	376
35-39	191	185	199	214	201
40-44	31	26	40	34	46
45-49	3	4	-	3	2
Not stated	6	3	-	8	8
Total	2 687	2 549	2 614	2 338	2 311

Source: Registrar's Office.

Table 12. Number of births by birth order, 1993-1997

Birth order	1993	1994	1995	1996	1997
1	758	778	815	724	757
2	625	576	563	553	557
3	467	432	479	394	346
4	340	292	339	267	267
5	216	217	190	195	173
6	129	110	104	98	93
7	84	75	57	53	63
8	30	33	33	27	27
9	23	15	13	10	9
10 & over	13	21	17	11	11
Not stated	2	-	4	6	8
Total	2 687	2 549	2 614	2 338	2 311

Source: Registrar's Office.

Table 13. Demographic indicators, 1960-1997

Year	Birth rate	Death rate	Infant mortality rate	Rate of natural increase
1960	48.9	14.8	145.0	34.1
1961	48.4	12.5	107.4	35.9
1962	44.5	11.5	91.8	33.0
1963	42.6	11.8	96.8	30.8
1964	42.3	9.4	75.3	32.9
1965	42.6	9.4	69.5	33.2
1966	42.2	9.2	80.6	33.0
1967	38.9	8.4	61.0	30.5
1968	35.9	8.9	72.2	27.0
1969	34.7	9.3	94.7	25.4
1970	37.3	8.3	56.2	29.0
1971	40.6	8.0	49.0	32.6
1972	39.8	9.6	69.6	30.2
1973	34.4	10.5	99.6	23.9
1974	35.3	7.5	63.5	27.8
1975	35.2	8.6	64.5	26.6
1976	38.6	8.0	54.2	30.6
1977	31.7	7.8	55.5	23.9
1978	32.6	7.4	49.2	25.2
1979	33.5	6.8	38.1	26.7
1980	29.9	7.0	60.2	22.9
1981	32.7	7.4	46.8	25.3
1982	33.7	7.0	40.6	26.7
1983	32.9	7.3	37.0	25.6
1984	28.1	6.5	26.5	21.6
1985	28.6	5.9	20.3	22.7
1986	26.4	6.0	24.7	20.4
1987	25.7	5.8	23.4	19.9
1988	24.4	6.3	21.7	18.1
1989	24.4	6.3	21.5	18.1
1990	24.1	6.0	20.8	18.1
1991	24.3	6.1	19.3	18.2
1992	24.7	6.5	17.1	18.2
1993	24.5	6.2	14.5	18.3
1994	23.3	6.7	13.7	16.6
1995	23.6	6.6	18.0	17.0
1996	21.0	7.1	16.7	13.9
1997	20.8	6.6	18.2	14 2

Table 14. Drug statistics - persons arrested by sex and age group, 1993-1997

Age Group	1993	1994	1995	1996	1997
Under 15 years	4	-	2	5	5
Male	2	-	2	5	4
Female	2	-	-	0	1
15-19 years	33	36	35	43	71
Male	27	30	33	39	65
Female	6	6	2	4	6
20-24 years	70	79	85	95	89
Male	66	79	78	85	86
Female	4	-	7	10	3
25-29 years	135	130	157	129	122
Male	128	116	147	125	114
Female	7	14	10	4	8
30-39 years	162	176	161	150	148
Male	157	160	151	137	140
Female	5	16	10	13	8
40-49 years	32	6	26	43	44
Male	26	4	25	40	41
Female	6	2	1	3	3
Over 50 years	4	6	6	8	7
Male	2	2	4	7	7
Female	2	4	2	1	-
Total	440	433	472	473	486
Male	408	391	440	438	457
Female	32	42	32	35	29

Source: Police Department.

Table 15. Number of children by disability and sex, 1995-1997

Type of disability	1995			1996			1997		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Hearing impaired	...	...	...	12	6	18	14	7	21
Physically handicapped	...	...	...	3	7	10	3	7	10
Developmentally delayed	...	...	...	24	16	40	41	25	66
Blind							1	-	1
Total	63	72	135	39	29	68	59	39	98

Source: School for Children with Special Needs.

Table 16. Distribution of Government expenditure on human development

	1993	1994	1995	1996	1997
	$EC million	$EC million	$EC million	$EC million	$EC million
Ministry of Health	25.0 or 15.6%	25.0 or 14.6%	27.2 or 14.5%	28.6 or 14.0%	30.8 or 14.3%
Ministry of Housing	8.2 or 5.1%	8.9 or 5.5%	9.1 or 5.7%	9.7 or 6.0%	10.0 or 6.2%
Ministry of Education	33.1 or 20.7%	33.4 or 19.5%	36.5 or 19.5%	37.8 or 18.5%	39.9 or 18.5%
Total Expenditure	160.2	171.1	187.6	204.5	215.6

Table 17. Reports of child abuse made at the Social Welfare Department, 1989-1997

Type	1989	1990	1991	1992	1993	1994	1995	1995	1996
Sexual abuse	35	21	23	29	70	41	60	55	37
Physical abuse	54	33	78	63	117	77	55	65	44
Neglect	72	31	45	51	247	73	55	61	75
Abandonment	69	27	42	40	78	28	33	56	53
Other	10	6	23	23	8	36	0	4	30

Source: Social Welfare Department, Ministry of Housing.

List of legislation referred to in the report

Title of legislation	Chapter/Revised laws 1990
Adoption Act	Cap. 163
Age of Majority Act	Cap. 164
Constitution of Saint Vincent and the Grenadines	Cap. 2
Corporal Punishment of Juveniles Act	Cap. 123
Criminal Code	Cap. 124
Criminal Procedure Code	Cap. 125
Deportation and Restriction of Commonwealth Citizens Act	Cap. 76
Domestic Violence (Summary Proceedings) Act	Act No. 13/1995
Domestic Violence and Matrimonial Proceedings Act	Cap. 165
Drugs Trafficking Offences Act, 1993	Act No. 45/1993
Drugs (Prevention of Misuse) Act	Cap. 219
Education Act, 1992	Act No. 29/1992
Employment of Women, Young Persons and Children Act	Cap. 148
Expulsion of Undesirable Aliens Act	Cap. 77
Factories Act	Cap. 335
Family Court Act, 1992	Act No. 53/1992
Family Nurse Practitioners Act, 1997	
Immigration (Restriction) Act	Cap. 78
Immunisation of Children Act	Cap. 224
Juveniles Act	Cap. 168
Law of Minors Act	Cap. 169
Legitimation Act	Cap. 170
Liquor Licence Act	Cap. 342
Maintenance Act	Cap. 171
Marriage Act	Cap. 173
Married Womens Property Act	Cap. 175
Matrimonial Causes Act	Cap. 176
Medical Officers Act	Cap. 226
Medical Registration Act	Cap. 227
Mental Health Act	Cap. 228
National Sports Council Act	Cap. 269

Title of legislation	Chapter/Revised laws 1990
Organization of Eastern Caribbean States Act	Cap. 140
Penicillin (Control) Act	Cap. 230
Pensions Act	Cap. 204
Police Act	Cap. 280
Pre-School Services Committee (Incorporation)Act	Act No. 14/1995
Prisons Act and Prison Rules	Cap. 281
Probation of Offenders Act	Cap. 128
Public Health Act	Cap. 232
Recruiting of Workers Act	Cap. 151
Registration of Births and Deaths Act	Cap. 179
Saint Vincent and The Grenadines Citizenship Act	Cap. 80
Status of Children Act	Cap. 180
United Nations Declaration on the Prevention of Crime and the Treatment of Offenders Act	Cap. 143